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LEGISLATIVE ASSEMBLY  
OF ONTARIO

FOURTH SESSION OF THE TWENTY-SEVENTH  
PARLIAMENT

133325

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AS INTRODUCED IN THE HOUSE

TOGETHER WITH

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## SESSION

JANUARY 25th to APRIL 6th, 1966

and

APRIL 18th to JULY 8th, 1966

(3) 133325





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# **BILL 97**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Registry Act**

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**MR. WISHART**

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#### EXPLANATORY NOTES

This Bill is intended to be the final Bill in a series designed to modernize *The Registry Act*. It is anticipated that no further amendments will be made until the Act is completely re-enacted during a subsequent session.

SECTION 1. The definition section is re-enacted to renumber the clauses. The definitions of "county" and "power of attorney" are not required and have been omitted. "Instrument", "plan of subdivision" and "will" have been redefined, and "letters probate" and "notarial" are new.



## An Act to amend The Registry Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Registry Act*, as amended by section 1 of *The Registry Amendment Act, 1962-63* and section 1 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor:

### 1. In this Act,

Interpre-  
tation

- (a) "certificate of amalgamation of loan corporations" includes a copy certified under the hand of the Registrar of Loan and Trust Corporations of the certificate of assent and declaration referred to in section 102 of *The Loan and Trust Corporations Act* and of any document mentioned in such certificate and a certificate issued for the purpose of registration under any Act of the Legislature authorizing or ratifying an agreement for the purchase and sale of the assets, or for the amalgamation of loan corporations; R.S.O. 1960,  
c. 222
- (b) "Inspector" means the Inspector of Legal Offices appointed under *The Judicature Act*; R.S.O. 1960,  
c. 197
- (c) "instrument" includes every instrument whereby land in Ontario may be transferred, disposed of, charged, encumbered or affected in any other way, and, without limiting the generality of the foregoing, includes any instrument mentioned in subsection 8 of section 20 and a Crown grant of Canada and of Ontario, a deed, conveyance, mortgage, notice of sale by a mortgagee, assignment of mortgage, certificate of discharge of mortgage, assurance, lease, bond, release, dis-

R.S.O. 1960,  
c. 106

charge, agreement for the sale or purchase of land, caution under *The Devolution of Estates Act* or renewal or withdrawal thereof, municipal by-law, certificate of proceedings in any court, judgment or order of foreclosure and every other certificate of judgment or order of any court affecting any interest in or title to land, and a certificate of payment of taxes granted under the corporate seal of the county, city or town by the treasurer, a sheriff's and treasurer's deed of land sold by virtue of his office, a contract in writing, every order and proceeding in bankruptcy and insolvency, a plan of a survey or subdivision of land, and every notice, caution and other instrument registered in compliance with an Act of Canada or Ontario;

- (d) "land" includes lands, tenements, hereditaments and appurtenances and any estate or interest therein;
- (e) "letters probate" includes letters testamentary or a similar grant based on a will proven before a court having jurisdiction in probate matters outside Ontario;
- (f) "local description" means a description of land drawn in accordance with the regulations;
- (g) "notarial" includes prothonotarial;
- (h) "photographic film" includes any photographic plate, microphotographic film or photocopy negative;
- (i) "plan of subdivision" means a plan by which the owner of land divides the land into areas designated on the plan, but does not include a plan under *The Cemeteries Act* or *The Expropriation Procedures Act, 1962-63*;
- (j) "prescribed" means prescribed by this Act or the regulations;
- (k) "registered" means registered under this Act;
- (l) "regulations" means the regulations made under this Act;

R.S.O. 1960,  
c. 47  
1962-63,  
c. 43





SECTION 2. The references to "vaults" have been omitted.

SECTION 3. Self-explanatory.

(m) "surveyor" means a surveyor as defined in *The Surveyors Act*; R.S.O. 1960,  
c. 389

(n) "will" means a will as defined in *The Wills Act*. R.S.O. 1960,  
c. 433

**2.**—(1) Subsection 1 of section 6 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 6,  
subs. 1,  
re-enacted

(1) For the safe-keeping and protection of all books, records, memorials, documents, instruments and plans in the custody of the registrar, the council of every county, where at any time there are no safe and proper fire-proof offices provided by the council or where any registry office is established or where under section 5 the Lieutenant Governor in Council has directed a change of site, shall provide, furnish, maintain and keep in good repair a safe and fire-proof registry office upon a plan and on a site to be approved by the Lieutenant Governor in Council, and the council shall keep the registry office in good repair, furnished with fuel and furniture and properly heated, lighted, cleaned and ventilated. County  
councils  
to provide  
fire-proof  
offices

(2) Subsection 3 of the said section 6 is amended by striking out "sections 109 and 113" in the fifth line and inserting in lieu thereof "section 113", by striking out "the vault of" in the seventh and eighth lines and by striking out "vault" in the ninth line and inserting in lieu thereof "registry office", so that the subsection shall read as follows: R.S.O. 1960,  
c. 348, s. 6,  
subs. 3,  
amended

(3) Except where otherwise provided in this Act, the Inspector may in writing authorize the registrar under the direction of an architect named by the Inspector to expend out of the proportion of the fees to which the county or city may then or thereafter be entitled under section 113 so much as may be deemed by the Inspector to be necessary in providing adequate fire-proof or metal fittings for the registry office or for the proper heating and ventilation of the registry office, and the amount so expended, including the architect's charge, shall be certified by the Inspector, and his certificate or a duplicate thereof shall be transmitted by the registrar to the treasurer of the county or city, and is a discharge to the registrar of the amount so certified, as against the proportion of the fees then payable or to become thereafter payable by him. Registrar  
to provide  
fire-proof  
or metal  
fittings,  
when  
directed by  
Inspector

**3.** Section 12 of *The Registry Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 348, s. 12,  
amended

Senior  
deputy

- (1a) Where a registrar has more than one deputy, he shall, with the approval of the Inspector, designate one of the deputies as his senior deputy.

R.S.O. 1960,  
c. 348, s. 17  
(1962-63,  
c. 124, s. 6),  
amended

4. Section 17 of *The Registry Act*, as re-enacted by section 6 of *The Registry Amendment Act, 1962-63*, is amended by adding thereto the following subsection:

Effect of  
abstract

- (7) An abstract furnished by a registrar under this section is *prima facie* evidence of the registration of the instruments of which extracts are included in the abstract.

R.S.O. 1960,  
c. 348, s. 20,  
subs. 1,  
re-enacted

- 5.—(1) Subsection 1 of section 20 of *The Registry Act* is repealed and the following substituted therefor:

Treasurer  
to provide  
books, etc.

- (1) The treasurer of every county and the treasurer of every city for which there is a separate registry office shall on the written request of the registrar provide and pay for all books and indexes required for the business of the registry office.

R.S.O. 1960,  
c. 348, s. 20,  
subs. 3, 4,  
repealed

- (2) Subsections 3 and 4 of the said section 20 are repealed.

R.S.O. 1960,  
c. 348, s. 20,  
subs. 7,  
repealed

- (3) Subsection 7 of the said section 20 is repealed.

R.S.O. 1960,  
c. 348, s. 20,  
subs. 8  
(1962-63,  
c. 124, s. 7,  
subs. 3),  
subs. 9-11,  
re-enacted

- (4) Subsection 8, as re-enacted by subsection 3 of section 7 of *The Registry Amendment Act, 1962-63* and amended by section 6 of *The Registry Amendment Act, 1964*, and subsections 9, 10 and 11 of the said section 20 are repealed and the following substituted therefor:

General  
register

- (8) The following instruments when received for registration shall be registered as general registrations and, except as otherwise provided in this Act, shall not be recorded in the abstract index:

1. Wills.
2. Letters probate.
3. Letters of administration.
4. General appointments of new trustees.
5. Certificates or certified or notarial copies of judgments or of court orders appointing or removing executors, administrators, guardians or trustees.



SECTION 4. The effect of a registrar's abstract is clarified.

SECTION 5—Subsections 1 and 2. References to registry books, which are no longer used, are deleted. The General Register Index is now required by the new subsection 9 of section 20.

Subsections 3 and 4. Complementary to section 36 of this Bill. The repealed subsection 7 is replaced by the new subsection 10 of section 20. Subsection 8 is re-enacted for purposes of clarification. A general register book is no longer kept; general registrations are now microfilmed and indexed under the new subsection 9 of section 20. Items 8, 12, 16 and 17 of subsection 8 are new. The present item 15 has been omitted. Subsection 9 is repealed as the subject-matter is now dealt with in the new subsection 1 of section 20. Subsection 11 is obsolete and is therefore repealed. The new subsections 9 and 11 are the former subsections 7 and 10 in revised form.



6. General certificates of payment of succession duties under *The Succession Duty Act*. R.S.O. 1960,  
c. 386
  7. Certificates or certified or notarial copies of orders made under *The Mental Incompetency Act*. R.S.O. 1960,  
c. 237
  8. Certificates under section 19 of *The Change of Name Act*. R.S.O. 1960,  
c. 49
  9. Powers of attorney or revocations thereof.
  10. General bars of dower.
  11. Orders in council of Canada or Ontario, or certified copies thereof, not containing local descriptions.
  12. Notarial copies of letters patent of incorporation or of supplementary letters patent.
  13. Notarial copies of letters patent changing names of corporations or amalgamating corporations.
  14. Notarial copies of certificates of amalgamation of loan or trust corporations.
  15. Notarial copies of licences in mortmain.
  16. Notarial copies of extra-provincial licences under Part IX of *The Corporations Act*. R.S.O. 1960,  
c. 71
  17. Plan Documents under subsection 9 of section 86.
  18. Claims for lien under *The Mechanics' Lien Act* against land that constitutes the line of railway or right-of-way of a railway company. R.S.O. 1960,  
c. 233
- (9) Every registrar shall keep an alphabetical index in the prescribed form of all general registrations, to be known as the "General Register Index". General  
Register  
Index
- (10) The Inspector may, by written direction, require a registrar to prepare and maintain a separate alphabetical index for any class of general registrations. Separate  
index



Books, etc.,  
Crown  
property

- (11) All books, indexes, photographic film reproductions and other records used and kept in and for the purposes of a registry office are the property of the Crown.

R.S.O. 1960,  
c. 348, s. 25,  
re-enacted

6. Section 25 of *The Registry Act* is repealed and the following substituted therefor:

Registrar  
removed or  
resigning to  
deliver up  
books to  
new  
registrar,  
etc.

25. Where a registrar is removed from or resigns his office, he shall forthwith deliver up all books, plans, instruments, memorials, indexes and photographic film reproductions thereof in his custody as registrar to the person who is appointed registrar in his stead or to any other person who is appointed in writing by the Attorney General to receive them, and, if the registrar refuses to do so, the Attorney General may direct the sheriff of the county to seize and take immediate possession of them wheresoever found.

R.S.O. 1960,  
c. 348, s. 26,  
subs. 1  
(1962-63,  
c. 124, s. 9,  
subs. 1),  
subs. 2, 3,  
re-enacted

7. Subsection 1, as re-enacted by subsection 1 of section 9 of *The Registry Amendment Act, 1962-63*, and subsections 2 and 3 of section 26 of *The Registry Act* are repealed and the following substituted therefor:

Preserva-  
tion of  
abstract  
books, etc.

- (1) It is the duty of every registrar to preserve the abstract index books and other records of his office in good repair.

Copying  
and repair  
of books,  
etc.

- (2) A registrar may, when he deems it necessary, and shall, when so directed by the Inspector, cause,

(a) any book that is becoming obliterated or unfit for further use to be manually or mechanically copied or reproduced and, where portions of the entries in the book are missing, obliterated or cannot be deciphered, the missing details to be obtained, so far as possible, by examination of the instruments relating thereto and incorporated in the copy;

(b) plans and maps to be copied, repaired, restored, mounted, bound or otherwise preserved; and

(c) any book to be repaired,

in a manner approved by the Inspector.

Copy to be  
certified

- (3) Where a book is copied or reproduced under clause a of subsection 2, the registrar shall certify the correctness of the copy.

SECTION 6. The section is re-enacted for purposes of clarification. The penalty is omitted as section 283 of the *Criminal Code* (Canada) covers this offence.

SECTION 7. The amendments are for purposes of clarification. The repealed subsections 1 and 3 required registrars to repair books only on the Inspector's direction; the obligation is now placed on the registrars. The repealed subsection 2 has been re-enacted in revised form as subsection 3a.

SECTION 8. Subsection 1 of section 31 is re-enacted for purposes of clarification. Subsection 2 of section 31 replaces in part subsection 1 of section 47. See section 15 of this Bill. Subsections 3 and 4 of section 31 replace subsection 7 of section 33 of the Act. See section 9 of this Bill. Subsection 5 of section 31 is new and is self-explanatory.



- (3a) The certificate of a registrar under subsection 3 is, <sup>Effect of certificate</sup> to the extent specified in the certificate, *prima facie* evidence that the copy is a true copy of the original book, and such certified copy shall be accepted and received as the original, but the registrar shall nevertheless carefully preserve the original book and produce it upon demand.

8. Section 31 of *The Registry Act* is repealed and the <sup>R.S.O. 1960, c. 348, s. 31, re-enacted</sup> following substituted therefor:

- 31.—(1) Except as otherwise provided in and subject <sup>Instruments that may be registered</sup> to this Act and the regulations, any instrument within the meaning of clause *c* of section 1 and any other instrument specifically permitted to be registered under Part I of this Act may be registered.

- (2) Unless otherwise provided in this Act, any instrument <sup>Delivery of instruments to registrar</sup> that may be registered shall be registered upon and by delivery to and deposit with the registrar of the instrument or of an executed duplicate or other original part thereof with all necessary affidavits.

- (3) Subject to subsection 4, the registration of an instrument purporting to affect <sup>Un-patented Crown land</sup> unpatented Crown land has no effect under this Act.

- (4) Subsection 3 does not apply, <sup>Exceptions</sup>

(a) to a mortgage or other encumbrance made by the original nominee of the Crown or by a person through whom a person obtaining a grant of land from the Crown derived title, or to a lien affecting the land;

(b) to a plan of Crown land made under *The Highway Improvement Act*, *The Public Lands Act* or any other Act of Ontario; <sup>R.S.O. 1960, cc. 171, 324</sup>

(c) to a lease of Crown land or of an interest therein or of any interest of the Crown in land under *The Mining Act* or *The Public Lands Act*; <sup>R.S.O. 1960, cc. 241, 324</sup>

(d) in the case of an instrument purporting to affect land, which when the instrument was registered was unpatented Crown land, if,

(i) a patent of the land is subsequently registered, or

(ii) a notice, which was issued by any competent governmental authority, in existence before or after the creation of the Province of Ontario, and which stated that the land was patented, is recorded in the registry office; or

(e) to an instrument affecting land that was unpatented Crown land at the time of registration of the instrument, where the instrument,

(i) was registered in compliance with an Act of Ontario, or

(ii) was registered as contemplated by an Act of Ontario and the instrument was either executed or approved on behalf of the Crown by a Minister or other person authorized by law so to do.

Water lots,  
etc.

(5) An instrument purporting to affect land covered by water shall not be registered unless the registry division in which the land is situate can be readily ascertained from the instrument.

R.S.O. 1960,  
c. 348, s. 33,  
re-enacted

9. Section 33 of *The Registry Act*, as amended by section 10 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor:

When local  
description  
required

33.—(1) An instrument that does not contain a local description of the land affected thereby shall not be registered, unless

(a) the instrument is a plan;

(b) the instrument is to be registered as a general registration under subsection 8 of section 20;

(c) the instrument is a by-law that does not directly affect title to land

(d) the instrument is a certificate of discharge purporting to completely discharge a mortgage to which subsection 5 of section 65 does not apply;

(e) the instrument has securely attached to it a declaration in the prescribed form made by a party to the instrument or by his solicitor,

SECTION 9. Section 33 is re-enacted and clarified. The provision prohibiting registration of instruments dealing with unpatented Crown land is deleted as it is included in section 8 of the Bill.

The new section 33a is designed to ensure that a conveyance of an easement will be recorded in the abstract index for the servient tenement. The courts have held that an easement is enforceable even though the instrument by which it is conveyed is recorded only in the abstract index for the dominant tenement.

SECTION 10. The subsection is obsolete and is therefore repealed. It provided that an instrument made before the 1st day of September, 1910, could be registered, although not accompanied by supporting affidavits that were required after that date.

SECTION 11. The section is re-enacted for purposes of clarification.



or by his attorney under registered power of attorney, or by the heirs, executors or administrators of a party to the instrument, or, where the party is a corporation, by an officer thereof, stating that the instrument affects land within the registry division, and containing a local description; or

- (f) the instrument is a judgment or order of the court or of a judge, or a certificate or certified or notarial copy of such judgment or order, and has securely attached to it a declaration in the prescribed form, made by one of the parties to the action or by his solicitor, stating that the instrument affects land within the registry division, and containing a local description.

- (2) A registered instrument may be recorded or further <sup>Idem</sup> recorded in the abstract index upon the registration of a declaration in the prescribed form made by any of the persons mentioned in clauses *e* and *f* of subsection 1.

33a.—(1) In this section, “easement” means an easement, right-of-way, right or licence in the nature of an easement, *profit à prendre* or other incorporeal hereditament, but does not include such an easement arising by operation of law. <sup>Interpretation</sup>

- (2) Notwithstanding section 15 of *The Conveyancing and Law of Property Act* or any rule of law, an instrument purporting to convey an easement, made after the day on which this section comes into force, does not, as against a *bona fide* purchaser who, for valuable consideration and without actual notice, purchases the servient tenement after the registration of the instrument, convey to the grantee any interest in the easement unless a local description of the affected part of the servient tenement is contained in the instrument by which the conveyance is made. <sup>Easements, etc. R.S.O. 1960, c. 66</sup>

10. Subsection 4 of section 34 of *The Registry Act* is <sup>R.S.O. 1960, c. 348, s. 34, subs. 4, repealed</sup> repealed.

11. Section 37 of *The Registry Act* is repealed and the <sup>R.S.O. 1960, c. 348, s. 37, re-enacted</sup> following substituted therefor:

Affirmation  
or declara-  
tion in  
certain  
cases  
R.S.O. 1960,  
c. 125

37. Where under this Act proof for registration is required in the form of an affidavit, the proof may be in the form of an affirmation or solemn declaration complying with section 18 or 43 of *The Evidence Act*, respectively.

R.S.O. 1960,  
c. 348, s. 40  
(1962-63,  
c. 124, s. 16),  
re-enacted

- 12.** Section 40 of *The Registry Act*, as re-enacted by section 16 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Judge may  
dispense  
with  
affidavit  
of witness

40. Where an instrument that is otherwise capable of registration is not accompanied by an affidavit of execution as required by this Act or is accompanied by an incomplete or defective affidavit of execution, any person who is or claims to be interested in the registration of the instrument may make proof before a judge of any county or district court of the execution of the instrument, and, where a certificate in the prescribed form is endorsed on the instrument and signed by the judge, the certificate shall be received in lieu of the affidavit.

R.S.O. 1960,  
c. 348, s. 42  
(1962-63,  
c. 124, s. 17),  
subs. 1,  
amended

- 13.**—(1) Subsection 1 of section 42 of *The Registry Act*, as re-enacted by section 17 of *The Registry Amendment Act, 1962-63* and amended by section 14 of *The Registry Amendment Act, 1964*, is further amended by striking out "or" at the end of clause *a* and by adding thereto the following clauses:

- (c) the original judgment or order under the seal of the court; or
- (d) a notarial copy of the original judgment or order, certified copy or certificate, if the original judgment or order, certified copy or certificate is produced to the registrar with the notarial copy for verification of the correctness of the notarial copy.

R.S.O. 1960,  
c. 348, s. 42  
(1962-63,  
c. 124, s. 17),  
amended

- (2) The said section 42 is amended by adding thereto the following subsection:

- (3) After the 1st day of January, 1967, an order discharging a mechanic's lien or vacating a certificate of action under *The Mechanics' Lien Act* shall be registered by registering the order or a certificate thereof, under the seal of the court, that includes a local description and a reference to the registration number of every registered claim for lien and certificate of action affected thereby.

Number of  
mechanic's  
lien to be  
included in  
order dis-  
charging,  
etc.

R.S.O. 1960,  
c. 233

R.S.O. 1960,  
c. 348, s. 45,  
re-enacted

- 14.** Section 45 of *The Registry Act* is repealed and the following substituted therefor:

SECTION 12. The section is re-enacted to permit a judge to deal with incomplete or defective affidavits.

SECTION 13—Subsection 1. The amendments permit the registration of original judgments or orders, or notarial copies thereof.

Subsection 2. Self-explanatory.

SECTION 14. The section is re-enacted to increase the number of instruments on which addresses are required.

SECTION 15. The subject-matter of the repealed section 47 is dealt with by sections 8 and 21 of this Bill and by sections 55 and 85 of the Act.

SECTION 16. The section as re-enacted omits the present subsection 1 of section 48 of the Act, which is obsolete, as all registry offices now have microfilm equipment. The present subsection 3 is re-enacted as subsection 1, and the present subsection 2 is re-enacted as subsection 2 with the omission of a reference to the registry book.



45. A registrar shall not register,

Address of  
grantee to  
be endorsed  
on certain  
instruments

- (a) a deed or other conveyance;
- (b) an agreement for the sale or purchase of land, or an assignment thereof;
- (c) a mortgage, or an assignment thereof;
- (d) a lease, or an assignment thereof, or a notice of a lease or assignment of a lease;
- (e) a claim for a mechanic's lien, or an assignment thereof;
- (f) a notice of a conditional sale contract, or an assignment thereof;
- (g) a certificate of judgment or a final order of foreclosure of a mortgage; or
- (h) a vesting order,

unless there is endorsed on such instrument the place of residence or address for service of each person obtaining or claiming an interest in or in respect of land under the instrument.

**15.** Section 47 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348, s. 47,  
repealed

**16.** Section 48 of *The Registry Act*, as re-enacted by section 16 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 348, s. 48  
(1964,  
c. 102, s. 16),  
re-enacted

48.—(1) A final order of foreclosure or an instrument purporting to be a conveyance of land under power of sale contained in an unregistered mortgage or a mortgage that has not been recorded in full shall not be registered until the mortgage and any assignment thereof have been duly registered and recorded in full under subsection 2, and a notation of the date of such recording shall be made in the abstract index opposite the entry of the mortgage and assignment, if any.

When  
mortgage  
to be  
recorded  
in full

- (2) Where a mortgage has not been recorded in full, the registrar, upon the application of any person claiming to be interested in the mortgaged land and upon payment of the prescribed fees, less the amount already paid for the registration of the mortgage, shall cause the mortgage to be recorded in full by means of photographic film reproduction.

Idem

R.S.O. 1960,  
c. 348, s. 51,  
repealed

**17.** Section 51 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348, s. 52,  
re-enacted

**18.**—(1) Section 52 of *The Registry Act*, as amended by section 17 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor:

Affidavit  
as to age

52.—(1) A deed, conveyance, mortgage, assignment of mortgage, discharge of mortgage, lease, assignment of lease, release or quit claim shall not be registered unless there is made on or securely attached to it an affidavit by each person or one of the persons, other than a corporation, making it, or, if the document is executed by an attorney, by that attorney, deposing that each person making the instrument was of the full age of twenty-one years at the time of execution of the instrument.

Guarantor,  
etc.

(2) On and after the 1st day of January, 1967, where a person executes a mortgage as a guarantor or surety, the mortgage shall not be registered unless there is made on or securely attached to it an affidavit by such person stating whether he was of the full age of twenty-one years at the time he executed the mortgage.

Plan of  
subdivision

(3) A plan of subdivision shall not be registered unless the age of every person, other than a corporation, who executes the plan as an owner or who, as mortgagee consents to the registration of the plan, is proven in the manner and form prescribed by the regulations to be of the full age of twenty-one years at the time of execution of the plan.

Power of  
attorney

(4) A power of attorney made after the 1st day of July, 1964, other than a power of attorney made by a corporation or by a married woman solely for the purpose of barring her dower, shall not be registered unless there is made on or securely attached to it the affidavit of one of the persons by whom it was executed, or by the attorney, deposing that each person by whom the power of attorney was executed was of the full age of twenty-one years at the time of execution of the power of attorney.

Affidavit  
as to  
marriage

(5) A deed, conveyance, mortgage, lease, release or quit claim that is made by a man and in which a woman joins as his wife to bar her dower shall not be registered unless there is made on or securely attached to it an affidavit by such man or woman, or, if the

SECTION 17. The section is obsolete and is therefore repealed. It referred to copying in the copy books, which are no longer in use.

SECTION 18. The section is re-enacted for purposes of clarification. Subsection 2 is new and is self-explanatory. Subsection 3 is complementary to subsection 3 of section 38 of the Bill, which provides for affidavits relating to plans of subdivision to be filed separately. In subsection 4, the exceptions relating to corporations and married women are new.





document is executed by an attorney, by that attorney, deposing that they were married at the time of execution of the instrument.

- (6) A deed, conveyance, mortgage, lease, release or quit claim that is made by a man and in which no person joins as his wife shall not be registered unless there is made on or securely attached to it an affidavit by the man, or, if the document is executed by an attorney, by that attorney, deposing that the man was married, unmarried, divorced or a widower, as the case may be, at the time of execution of the instrument. Affidavit as to marital status
- (7) Where an affidavit required by this section is made by an attorney that is a corporation, the affidavit shall be made by an officer of the corporation. Affidavit by corporate attorney
- (8) Where an instrument that is otherwise capable of registration is not accompanied by an affidavit as required by this section or is accompanied by an incomplete or defective affidavit and a person who is or claims to be interested in the registration of the instrument makes proof before a judge of any county or district court that an affidavit as required cannot be obtained conveniently and that the facts were as are required to be stated by the affidavit, the judge may dispense with the affidavit, and thereupon he shall endorse upon the instrument or securely attach to it his certificate, in the prescribed form, stating the facts that have been proven to his satisfaction, and the judge's certificate shall be received in lieu of the affidavit. Judge may dispense with affidavit
- (9) Subsection 1 does not apply, Where subs. 1 does not apply
- (a) to a wife who joins in an instrument solely for the purpose of barring her dower;
  - (b) to an executor or administrator, the Public Trustee or any other person dealing with lands in a representative capacity; or
  - (c) to an infant who executes an instrument under the authority of a court of competent jurisdiction.
- (10) Subsections 5 and 6 do not apply, Where subs. 5, 6 do not apply
- (a) to a conveyance made in pursuance of a power of sale contained in a mortgage;

- (b) to an instrument made by persons as joint tenants, trustees or under power of appointment or who hold the lands as partnership property if they are so described in a registered conveyance of the lands to them;
- (c) to a mortgage of leasehold lands;
- (d) to a person executing an instrument in his capacity as an executor or administrator or trustee under a will or to the Public Trustee or any other person dealing with lands in a representative capacity; or
- (e) to a lessee.

## Exception

(2) Notwithstanding subsection 2 of section 56 of this Act, subsection 1 of section 52 of *The Registry Act*, as re-enacted by subsection 1, does not apply in respect of a discharge of a mortgage where the discharge is executed before the 1st day of January, 1967.

R.S.O. 1960,  
c. 348, s. 53,  
subs. 4,  
amended

**19.**—(1) Subsection 4 of section 53 of *The Registry Act*, as amended by section 4 of *The Registry Amendment Act, 1965*, is further amended by adding "or" at the end of clause *j* in the amendment of 1965 and by adding thereto the following clauses:

R.S.O. 1960,  
c. 71

- (k) a corporation exempted from Part IX of *The Corporations Act* under subsection 1 of section 345 of that Act; or

(l) Ontario Development Corporation.

R.S.O. 1960,  
c. 348, s. 53,  
amended

(2) The said section 53 is amended by adding thereto the following subsection:

Idem

R.S.O. 1960,  
c. 324

- (5) This section does not apply in respect of a Crown grant to which section 37 of *The Public Lands Act* applies.

R.S.O. 1960,  
c. 348, s. 54  
(1962-63,  
c. 124, s. 22),  
subs. 5,  
amended

**20.** Subsection 5 of section 54 of *The Registry Act*, as re-enacted by section 22 of *The Registry Amendment Act, 1962-63*, is amended by striking out "shall" in the first line and inserting in lieu thereof "may".

R.S.O. 1960,  
c. 348, s. 55  
(1962-63,  
c. 124, s. 22),  
subs. 1,  
cl. b,  
re-enacted

**21.**—(1) Clause *b* of subsection 1 of section 55 of *The Registry Act*, as re-enacted by section 22 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor:

SECTION 19—Subsection 1. The amendment adds to the list of corporate grantees that are not required to provide affidavits as to compliance with *The Mortmain and Charitable Uses Act*.

Subsection 2. The new subsection is designed to facilitate the registration of Crown grants under section 37 of *The Public Lands Act* by dispensing with an affidavit as to compliance with *The Mortmain and Charitable Uses Act* in respect of corporate patentees of land. Such an affidavit is now required by subsection 2 of section 53 of *The Registry Act*.

SECTION 20. The amendment makes the assigning of a separate series of registration numbers to plans of subdivision permissive rather than mandatory.

SECTION 21. The amendment replaces the provisions of subsection 3 of section 47 of the Act, which is repealed by section 15 of this Bill.

SECTION 22. The new section 57 is complementary to subsection 8 of section 20 of the Act, as re-enacted by section 5 of this Bill, and is also complementary to section 80 of the Act, as amended by section 36 of this Bill.

Those sections refer to general registrations, which in future will not constitute notice.

SECTION 23. The amendments are for the purpose of clarification only.



(b) shall cause every page thereof to be stamped with a perforating stamp bearing the word "Registered"; and

(c) shall cause it to be recorded,

(i) on photographic film, and

(ii) in the proper abstract index, or in the general register index, or in the by-law index, and

(iii) subject to the regulations, in the alphabetical index.

(2) Subsection 4 of the said section 55 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 348, s. 55  
(1962-63,  
c. 124, s. 22),  
subs. 4,  
re-enacted

(4) Clause *b* and subclauses *i* and *iii* of clause *c* of subsection 1 do not apply in the case of a plan of subdivision or other registered plan.

Exception  
as to plans

**22.** Section 57 of *The Registry Act*, as re-enacted by section 23 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 348, s. 57  
(1962-63,  
c. 124, s. 23),  
re-enacted

57. Where by any Act of Canada or Ontario an order in council or a certified copy thereof is required to be registered or deposited in a registry office, the order or a certified copy thereof may be registered and recorded,

Orders in  
council

(a) in the case of an order that does not contain a local description, as a general registration; or

(b) in the case of an order that contains a local description, in the abstract index.

**23.—**(1) Subsections 1, 2 and 3 of section 58 of *The Registry Act* are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 348, s. 58,  
subs. 1,  
re-enacted;  
subs. 2, 3,  
repealed

(1) A will shall be registered by registering,

Wills

(a) the original will or a notarial copy thereof with,

(i) an affidavit sworn by one of the subscribing witnesses to the will proving the due execution thereof by the testator, and

(ii) an affidavit by one of the subscribing witnesses or by some other person stating that the testator is dead;

(b) the letters probate or letters of administration with the will annexed or a notarial copy thereof; or

(c) an exemplification or certified copy of the letters probate or letters of administration with the will annexed under the seal of the court that granted such letters or a notarial copy of such exemplification or certified copy.

R.S.O. 1960,  
c. 348, s. 58,  
subss. 4, 5,  
re-enacted

(2) Subsections 4 and 5 of the said section 58 are repealed and the following substituted therefor:

Consent of  
Treasurer  
required

(4) Except with the consent in writing of the Treasurer of Ontario or of some person authorized by him to consent,

(a) an original will; or

(b) letters probate, letters of administration with the will annexed, or any other grant based on a will given by a court outside Ontario having jurisdiction in probate matters,

or an exemplification, certified or notarial copy thereof shall not be registered under subsection 1.

Notarial  
copy of  
will, etc.

(5) Where, at the time of registration of a notarial copy under this section, the will or other instrument is produced to the registrar, he shall endorse his certificate of registration upon and return the will or other instrument.

R.S.O. 1960,  
c. 348, s. 58,  
subss. 8-10,  
re-enacted

(3) Subsections 8, 9 and 10 of the said section 58 are repealed and the following substituted therefor:

Notarial  
copy of  
general  
certificate

(8) Where, at the time of registration of a general certificate under subsection 7, a notarial copy thereof is produced to the registrar, he shall endorse his certificate of registration upon and return the copy.

Recording  
certificate

(9) A general certificate under subsection 7 shall be registered as a general registration, and shall also be recorded in the proper abstract index if any land is specifically referred to therein.



SECTION 24. The section is new and is self-explanatory.

SECTION 25. The section as re-enacted omits the reference to the "register", which has been replaced by microfilm, and refers instead to the "instrument".

SECTION 26—Subsection 1. The subsection is re-enacted to omit obsolete references to the manner of recording.

Subsection 2. The present subsection 5 of section 65 of the Act is obsolete as it refers to fees for the additional recording of a declaration in the copy book, which is no longer in use. The new subsection re-enacts subsection 4 of section 86 of the Act and is complementary to section 38 of this Bill.



- (10) Notwithstanding anything in this section, a consent under subsection 6 or a general certificate under subsection 7 is required only once in connection with the same property in the same estate. Consent,  
etc.,  
required  
only once

**24.** *The Registry Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 348,  
amended

- 58a.** A consent under the *Estate Tax Act* (Canada) may be registered separately, or may be registered attached to an instrument in the same instances and in the same manner as a consent of the Treasurer of Ontario under subsection 6 of section 58. Consent  
under 1958,  
c. 29 (Can.)

**25.** Section 60 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 60,  
re-enacted

60. An instrument purporting to convey or otherwise deal with land in any manner shall not be registered if executed by any person as devisee, legatee, executor or administrator of the estate of a deceased person who at the time of his death appears from the instrument to have been in any wise possessed of or interested in the land in question unless before the time of registration of the instrument the will or the letters probate of the will or the letters of administration under which the person executing the instrument claims to be entitled has or have been registered in the registry division in which the land in question is situate and the registration date and number thereof have been inserted in the body of the instrument or in its margin. Where  
registration  
of will,  
etc.,  
required

**26.**—(1) Subsection 1 of section 65 of *The Registry Act*, as amended by section 27 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 65,  
subs. 1,  
re-enacted

- (1) A certificate of discharge, in the prescribed form, of a registered mortgage, executed by the mortgagee, his executor, administrator or assignee, or by such other person as may be entitled by law to receive the money and to discharge the mortgage, may be registered. Discharge  
of mortgage

(2) Subsection 5 of the said section 65 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 65,  
subs. 5,  
re-enacted

- (5) Where land is mortgaged and subsequently subdivided by a registered plan of subdivision, judge's plan, registrar's compiled plan, or any other regis- Where plan  
registered  
after  
mortgage

tered plan by which lots are created, any certificate of discharge of the mortgage shall contain a description of the affected land with reference to the plan.

R.S.O. 1960,  
c. 348,  
amended

**27.** *The Registry Act* is amended by adding thereto the following section:

Change of  
name of  
mortgagee

65a. Subject to section 66, where, after the registration of a mortgage, the name of the person or corporation entitled to receive the money and to discharge the mortgage has changed or been changed, an explanation of the change of name,

(a) shall, in the case of a change of name by order under *The Change of Name Act* or by supplementary letters patent, be noted in the body or margin of the certificate of discharge, with reference to the registration number of the certificate of order or supplementary letters patent;

(b) shall, if made by an Act of Ontario or of any other jurisdiction, be noted in the body or margin of the certificate of discharge, with reference to the Act; or

(c) shall, if made upon or in consequence of adoption, marriage, annulment or dissolution of marriage, or in any other way, be set forth in a declaration, attached to the certificate of discharge, made by the person signing the certificate of discharge or by his solicitor.

R.S.O. 1960,  
c. 348, s. 68,  
subs. 1,  
amended

**28.**—(1) Subsection 1 of section 68 of *The Registry Act* is amended by striking out "tendered for registration or" in the eighth line, so that the subsection shall read as follows:

Registration  
of discharge  
given by  
person other  
than the  
mortgagee

(1) Where the person entitled to receive the mortgage money and to discharge a registered mortgage is not the original mortgagee, he shall, at his own expense, cause to be registered before the registration of the certificate of discharge all the instruments or documents through which he claims interest in and title to the mortgage money, and until those instruments or documents are registered the certificate of discharge shall not be registered.

R.S.O. 1960,  
c. 348, s. 68,  
subs. 5, 6,  
repealed

(2) Subsections 5 and 6 of the said section 68 are repealed.

R.S.O. 1960,  
c. 348,  
amended

**29.** *The Registry Act* is amended by adding thereto the following section:

SECTION 27. The new section is self-explanatory. It applies in the case of a mortgagee, other than an amalgamated loan or trust corporation, whose name has been changed after the registration of the mortgage.

SECTION 28—Subsection 1. The amendment deletes inappropriate words.

Subsection 2. The repealed subsections provided for the registration of a part of a will. As registration fees are no longer related to the length of a document, the subsections are deleted as obsolete.

SECTION 29. The new section is in part complementary to section 73 of the Act under which a registrar is required to rule out mortgages in respect of which discharges have been registered for at least ten years, and is similar in purpose to subsection 8 of section 99 of *The Land Titles Act*, which prohibits the registration of a charge of a charge.





69a.—(1) Subject to subsection 2,

Mortgage-of-a-mortgage, etc., not to be registered

(a) a mortgage-of-a-mortgage; or

(b) a discharge of a mortgage-of-a-mortgage,

executed after the day on which this section comes into force, shall not be registered.

(2) Where, upon an application made to him, a judge <sup>Exceptions</sup> of a county or district court is satisfied that there cannot be conveniently obtained and registered,

(a) an assignment of a mortgage containing a provision for reassignment to the assignor instead of a mortgage-of-a-mortgage; or

(b) an assignment of a mortgage-of-a-mortgage to the person entitled to redeem the mortgage-of-a-mortgage instead of a discharge of the mortgage-of-a-mortgage,

the judge may endorse his fiat on the mortgage-of-a-mortgage or discharge of a mortgage-of-a-mortgage, which may then be registered, notwithstanding subsection 1.

(3) A discharge, even though registered under subsection <sup>Effect of registration of discharge</sup> 2, executed by the person entitled to receive the money under a mortgage-of-a-mortgage, or by his executor, administrator, legal personal representative or assignee, does not operate as a discharge of the mortgaged mortgage unless,

(a) the right to discharge the mortgaged mortgage is conferred by the mortgage-of-a-mortgage, and such right is recited in the discharge;

(b) the mortgagor of the mortgage-of-a-mortgage has lost his right to redeem, by reason of foreclosure of or sale under the mortgage-of-a-mortgage, and the foreclosure or sale is evidenced by registered instruments; or

(c) upon an application made to him, a judge of a county or district court is satisfied that the discharge when registered has the effect of discharging the mortgaged mortgage and he makes an order to that effect and the order is either endorsed on or attached to or registered after the discharge.

Marking off  
mortgage

- (4) Notwithstanding section 73, a registrar shall not mark off the entry in the abstract index of a mortgage or instrument dealing with the mortgage if a mortgage-of-the-mortgage was registered and the only registered discharge relating to the mortgage was of the mortgage-of-the-mortgage, except where, having regard to the provisions contained in the mortgage-of-the-mortgage and to subsection 3, he is satisfied that the discharge had the effect of discharging the mortgaged mortgage.

R.S.O. 1960,  
c. 348, s. 70,  
amended

**30.** Section 70 of *The Registry Act* is amended by inserting after "Act" in the fifth line "and the regulations", so that the section shall read as follows:

Effect of  
registration  
of discharge  
of mortgage

70. Every certificate of payment or discharge of a mortgage or of the conditions therein or of the lands or any part thereof, at any time given, and whether before or after the time limited by the mortgage for payment or performance, if in conformity with this Act and the regulations is, when registered, a discharge of the mortgage or of the lands described in the certificate, as the case may be, and is as valid and effectual in law as a release of the mortgage or of the lands and as a conveyance to the mortgagor, his heirs or assigns of the original estate of the mortgagor therein.

R.S.O. 1960,  
c. 348,  
amended

**31.** *The Registry Act* is amended by adding thereto the following section:

Interpre-  
tation

70a.—(1) In this section,

- (a) "deed to uses" means a deed purporting to grant or convey land to such uses as the grantee may appoint, regardless of the method of appointment specified in the deed, and, until appointment or in default of appointment, purporting to grant or convey the land to the use of the grantee absolutely, and includes every such deed containing words of like import, but does not include a mortgage;

- (b) "grantee to uses" means a grantee named in a deed to uses.

Mortgage  
does not  
exhaust  
power

- (2) A mortgage made by a grantee to uses does not exhaust his power of appointment.

SECTION 30. The prescribed form of discharge is now included in a regulation instead of in the Act.

SECTION 31. The law governing the exercise of powers of appointment to uses is codified and made uniform with corresponding provisions in *The Land Titles Act*.

SECTION 32. The repealed subsection required an affidavit as to the execution by the sheriff of a certificate of discharge of a mortgage under seizure. The same subject-matter is covered by section 34 of the Act.

SECTION 33—Subsections 1 and 2. The amendments are for the purpose of clarification.



(3) Notwithstanding the registration of a discharge of, Effect of discharge of mortgage

(a) a mortgage that was made by a grantee to uses; or

(b) a mortgage to which the land was subject when the grantee to uses became the grantee,

the grantee to uses may exercise his power of appointment as though the mortgage had not been made.

(4) This section applies to,

Application

(a) land conveyed by a deed to uses registered on or after the day on which this section comes into force; and

(b) land conveyed by a deed to uses registered before the day on which this section comes into force, but not conveyed or devised until after that day by the grantee to uses by a deed or will.

**32.** Subsection 4 of section 71 of *The Registry Act* is repealed. R.S.O. 1960, c. 348, s. 71, subs. 4, repealed

**33.**—(1) Subsection 1 of section 73 of *The Registry Act* is amended by striking out “and the certificate purporting to be the discharge thereof” in the second and third lines and inserting in lieu thereof “by an instrument that”, so that the subsection shall read as follows: R.S.O. 1960, c. 348, s. 73, subs. 1, amended

(1) Where a mortgage registered since the 1st day of January, 1890, is purported to be discharged by an instrument that has been registered for ten or more years, and wherever a certificate of *lis pendens* registered since the 1st day of January, 1890, has been vacated and the certificate of the judgment or order vacating it has been registered for two or more years, the registrar shall, wherever the mortgage or the discharge thereof or any other instrument dealing exclusively with the mortgage and wherever the certificate of *lis pendens*, certificate of judgment or order vacating the same appear on any abstract index in his office, draw a line in red ink through all such entries and initial and date the same, and the lands described in the mortgage or certificate of *lis pendens* are validly discharged therefrom. Marking off certain entries

(2) Subsection 2 of the said section 73 is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 73, subs. 2, re-enacted

Partial  
discharge of  
mortgage

- (2) Where an instrument purporting to partially discharge a mortgage registered since the 1st day of January, 1890, has been registered for ten or more years and the mortgage does not affect any portion of the lot other than the portion described in the instrument, the provisions of subsection 1 apply to the partial discharge in like manner as they would to the mortgage if wholly discharged.

R.S.O. 1960,  
c. 348, s. 73,  
amended

- (3) The said section 73 is amended by adding thereto the following subsections:

Conditional  
sales

- (7) Where an instrument is registered purporting to discharge a registered notice of a conditional sale contract and the discharge has been registered for two or more years, the registrar shall, if the discharge was registered after the 1st day of January, 1967, and may, if registered before that date, draw a line in red ink through the entries of the notice and of the discharge, and of any intervening assignment in the abstract index and initial and date the same, and thereupon the notice and assignment, if any, shall be validly discharged to the same effect thereafter with respect to persons dealing with the land mentioned or referred to therein as if the notice and assignment had not been registered under this Act.

Pension  
notices

- (8) Where a notice of the granting of a pension was registered under section 13 of *The Old Age Pensions Act*, being chapter 258 of the Revised Statutes of Ontario, 1950, or any predecessor of that section, the registrar shall draw a line in red ink through the entry of the notice in the abstract index and initial and date the same.

R.S.O. 1960,  
c. 348, s. 75,  
subs. 1, 2,  
repealed

- 34.** Subsections 1 and 2 of section 75 of *The Registry Act* are repealed.

R.S.O. 1960,  
c. 348, s. 75a  
(1962-63,  
c. 124, s. 32),  
subs. 3,  
repealed

- 35.** Subsection 3 of section 75a of *The Registry Act*, as enacted by section 32 of *The Registry Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,  
c. 348, s. 80,  
amended

- 36.** Section 80 of *The Registry Act* is amended by adding thereto the following subsections:

Where  
subs. 1  
does not  
apply

- (2) Subsection 1 does not apply to an instrument entered in the by-law index or to an instrument registered as a general registration under subsection 5 or 8 of section 20 or under predecessors of those subsections,

Subsection 3. The new subsection 7 dealing with conditional sale contracts is similar to the preceding subsections. The new subsection 8 requires a registrar to delete notices that were discharged on the 31st day of December, 1951, by section 14 of *The Old Age Assistance Act, 1951*.

SECTION 34. These subsections referred to certain by-laws relating to roads. The subject-matter of the repealed subsection 1 is to be transferred to *The Municipal Act*. Subsection 2 referred to by-laws passed before the 29th day of March, 1873.

SECTION 35. The repealed subsection permitted the registration of a sworn copy in instances where the Act provided for the registration of a notarial copy, and was enacted in 1963 as a temporary device. In view of sections 13 and 23 of this Bill, the subsection is no longer required.

SECTION 36. Section 80 of the Act provides that the registration of an instrument constitutes notice. The effect of the amendment is to restrict the operation of the section to those instruments that are recorded in the abstract index.

SECTION 37. The new subsection 2 of section 82 is complementary to subsection 2 of section 80 of the Act, as enacted by section 36 of this Bill.

SECTION 38—Subsection 1. Subsection 3 of section 86 is re-enacted for clarity. The repealed subsection 4 is transferred by subsection 2 of section 26 of this Bill to a more appropriate place in the Act. The new subsection 4 clarifies the effect of the consent of the mortgagee to a plan of subdivision.



- (a) unless an entry of the instrument appears in the abstract index;
  - (b) unless an entry of a declaration under subsection 2 of section 33 or a predecessor of that subsection referring to the instrument appears in the abstract index;
  - (c) unless the instrument is mentioned in a subsequently registered instrument and an entry of the latter instrument or of a declaration referring thereto, as mentioned in clause b, appears in the abstract index; or
  - (d) unless the instrument is a claim for lien under *The Mechanics' Lien Act* against land that constitutes the line of railway or right-of-way of a railway company. R.S.O. 1960,  
c. 233
- (3) Subsection 2 does not, in respect of a lot or a part of a lot, alter the effect of registration of an instrument registered before the day on which that subsection comes into force if, within three years after that day, the instrument is re-registered or a declaration under subsection 2 of section 33 referring to the instrument is registered and an entry of the instrument or declaration is made in the abstract index for the lot or the part. Saving
- 37.** Section 82 of *The Registry Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 348, s. 82,  
amended
- (2) Subsection 1 does not apply in respect of a lot or a part of a lot unless an entry of the will, probate or letters of administration with the will annexed has been made in the abstract index for the lot or the part. Application  
of subs. 1
- 38.—**(1) Subsections 3 and 4 of section 86 of *The Registry Act*, as re-enacted by section 22 of *The Registry Amendment Act, 1964*, are repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 86  
(1964, s. 22),  
subss. 3, 4,  
re-enacted
- (3) Subject to section 90, an instrument affecting the land on a plan or any part thereof, executed after the plan is registered, except an instrument registered under subsection 5 or 8 of section 20, shall not be registered unless it refers and conforms to the plan. Instruments  
to conform  
to plan
- (4) The consent of the mortgagee to a plan of subdivision, when registered, discharges from the mortgage any land dedicated by the owner as a public Effect of  
mortgagee's  
consent

highway and any land designated as a reserve that is conveyed to the corporation of the municipality in which the land is situate.

R.S.O. 1960, c. 348, s. 86 (1964, c. 102, s. 22), subs. 7, amended (2) Subsection 7 of the said section 86 is amended by striking out "and, except in the case of a corporation, every such signature is verified by affidavit" in the eighth and ninth lines, so that the subsection shall read as follows:

Registrar not to file plans for anyone but owner or without consent of mortgagees

(7) The registrar shall not register a plan of a subdivision of land unless the person by whom or on whose behalf the plan is tendered for registration appears on the registry books to be the owner of the land, or unless the consent in writing of every person who appears by the registry books to be a mortgagee of the land is endorsed on the plan and signed by every such person, but nothing in this section shall be deemed to require the consent to any such plan of the owner of an easement or right in the nature of an easement in respect of the land.

R.S.O. 1960, c. 348, s. 86 (1964, c. 102, s. 22), amended (3) The said section 86 is amended by adding thereto the following subsection:

Plan Document

(9) Notwithstanding subsection 2 of section 34 and subsection 7 of this section, the consents of the mortgagees and the required affidavits may be omitted from the plan if they are included in an instrument, to be known as a "Plan Document", in the form prescribed and registered in the manner provided by the regulations.

R.S.O. 1960, c. 348, s. 88, subs. 1c (1964, c. 102, s. 23, subs. 1), re-enacted **39.** Subsection 1c of section 88 of *The Registry Act*, as enacted by subsection 1 of section 23 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor:

Effect of compiled plan

(1c) Where a compiled plan is registered under subsection 1a,

(a) subject to section 90, an instrument affecting the land executed after the plan is registered, except an instrument registered under subsection 5 or 8 of section 20, shall not be registered unless it refers to the plan; and

(b) the plan is binding on all persons subsequently dealing with the land or any part thereof included in the plan or any interest in or con-

Subsections 2 and 3. The amendments will allow regulations to be made to reduce the number of affidavits on a plan of subdivision.

SECTION 39. The subsection is re-enacted for clarity and involves no change in principle.

SECTION 40. The amendment removes a conflict with present regulations, which provide for the use of plans instead of written descriptions in instruments.

SECTION 41. The new section is designed to resolve title problems arising out of absence of the signatures of owners whose lands have been included in registered plans of subdivision.

SECTION 42—Subsection 1. The amendment is designed to clarify the intent of the section.



cerning the same, but does not affect the rights or interests of any owner or other person entitled at or before the date of registration.

**40.** Section 89 of *The Registry Act* is amended by adding at the commencement thereof "Subject to the regulations", so that the section shall read as follows: R.S.O. 1960, c. 348, s. 89, amended

89. Subject to the regulations, no instrument referring to an unregistered plan shall be registered unless an instrument referring to the plan has been registered in respect of the same land, and, if the registrar objects to the registration of an instrument on the ground that it refers to an unregistered plan, he may refuse to register the instrument unless the person desiring its registration refers the registrar to the number of an instrument registered in respect of the same land referring to the unregistered plan. Registration of instrument referring to an unregistered plan

**41.** *The Registry Act* is amended by adding thereto the following section: R.S.O. 1960, c. 348, amended

91a.—(1) Where a parcel of land has been included in a registered plan of subdivision that was not signed by the owner of the parcel, and the parcel is subsequently described in a registered deed or other conveyance as being within the plan, the plan is as binding upon the grantee of the parcel and all persons claiming under him as if the plan had been signed by the owner of the parcel. When registered plan not signed by an owner becomes binding

(2) Subsection 1 does not affect the rights of a mortgagee whose mortgage was registered before the deed or other conveyance, mentioned in subsection 1, was registered. Saving

**42.**—(1) Section 92a of *The Registry Act*, as enacted by section 25 of *The Registry Amendment Act, 1964*, is amended by inserting after "block" in the second line "or adds to a plan land that was previously not included therein", so that subsection 1 of the said section shall read as follows: R.S.O. 1960, c. 348, s. 92a (1964, c. 102, s. 25), amended

(1) Where an amendment to a plan under section 91 or 92 alters the size or boundaries of any lot or block or adds to a plan land that was previously not included therein, the amendment does not take effect until a new plan of subdivision showing the amendments is registered with the amending order, and the provisions of this Act that apply to plans of sub- Registration of amended plan

R.S.O. 1960,  
c. 296

division, and the provisions of *The Planning Act* respecting the approval of plans of subdivision apply to the amended plan.

R.S.O. 1960,  
c. 348, s. 92a  
(1964,  
c. 102, s. 25),  
amended

(2) The said section 92a is further amended by adding there-  
to the following subsection:

Saving

- (2) This section does not apply to an order authorizing a registrar to correct any erroneous measurement upon, or any error, defect or omission in, any registered plan, and, subject to the regulations under *The Certification of Titles Act*, the judge may, upon an application made to him by the registrar or by a municipal council or by a person to whom subsection 2 of section 91 applies and upon production of evidence satisfactory to the judge, and either upon giving such notice to interested parties as he deems appropriate or *ex parte*, make an order authorizing such corrections.

R.S.O. 1960,  
c. 48

R.S.O. 1960,  
c. 348, s. 93,  
re-enacted

**43.** Section 93 of *The Registry Act* is repealed and the following substituted therefor:

Un-  
registered  
plans of  
subdivision,  
etc.

93. Where land has been sold in accordance with or by reference to surveys or subdivisions that so differ from the manner in which the land was surveyed or granted by the Crown that parcels so sold cannot be easily identified unless the plan is registered, the plan shall be registered if still in existence and procurable for registration.

Municipal  
plans

- 93a.—(1) Where land in a municipality has been sold under surveys or subdivisions made in a manner that so differs from that in which the land was surveyed or granted by the Crown that the parcels sold cannot be easily identified, and the plan has not been registered, the council of the municipality may cause a plan of the land to be made and, with the approval of the Inspector endorsed thereon, registered, and the expenses of the preparation and registration of the plan may be paid in whole or in part by a special rate to be levied by assessment on the land comprised in the plan as described in a by-law to be passed for the purpose of levying such rate.

Designation  
of lots

- (2) A plan prepared under subsection 1 shall show such subdivisions of original lots as are shown by registered plans, and such as are not so shown but appear from the instruments relating to the land, with each

Subsection 2. The new subsection makes it clear that the conditions relating to the amendment of a plan do not apply to the correction of erroneous measurements, etc., in a plan.

SECTION 43. Section 93, as re-enacted, omits a reference to plans of survey made before March 4, 1868, and to the cost of their registration.

Subsections 1 and 2 of the new section 93a are re-enactments of subsections 10 and 11 of section 94 of the Act (repealed by section 44 of the Bill) in revised form.

Subsections 3 and 4 of section 93a are self-explanatory.

SECTION 44—Subsection 1. The permissive provisions in the repealed subsection 10 and related provisions in subsections 11 and 16 of section 94 have been re-enacted as section 93a by section 43 of the Bill. The repealed subsection 1 of section 94 authorized the Inspector of Legal Offices to order a municipality to have plans prepared and registered in certain circumstances, and the following related subsections, *inter alia*, provided a penalty for default. These provisions have not been re-enacted.

Subsection 2. Self-explanatory.

SECTION 45. The amendment requires instruments affecting land subdivided by a Judge's Plan to refer thereto.

SECTION 46. Subsection 1 of section 96 of the Act provides for the designation of subdivision plan areas. Clause *b* of that subsection allows for the registration of a deed of a part of a parcel of land without a plan of subdivision being required. The amendment brings the clause into line with a similar provision in section 26 of *The Planning Act*, which relates to subdivision control by-laws.



of the lots as shown on the new plan numbered or lettered in such a manner that they may be readily identified.

- (3) A plan under this section shall be prepared and registered in accordance with the regulations. Plan to comply with regulations

- (4) Where a plan is registered under this section, Subsequent dealings

(a) subject to section 90, an instrument affecting the land executed after the plan is registered, except an instrument registered under subsection 5 or 8 of section 20, shall not be registered unless it refers to the plan; and

(b) the plan is binding on all persons subsequently dealing with the land or any part thereof included in the plan or any interest in or concerning the same, but does not affect the rights or interests of any owner or other person entitled at or before the date of registration.

**44.**—(1) Section 94 of *The Registry Act*, as amended by R.S.O. 1960, c. 348, s. 94, repealed subsection 1 of section 26 of *The Registry Amendment Act, 1964*, is repealed.

(2) Notwithstanding subsection 1, the said section 94 Saving continues to apply to any plan registered, ordered to be registered or in the course of preparation for registration before this section comes into force.

**45.** Section 94a of *The Registry Act*, as enacted by section 27 of *The Registry Amendment Act, 1964* and amended by R.S.O. 1960, c. 348, s. 94a (1964, c. 102, s. 27), amended section 7 of *The Registry Amendment Act, 1965*, is further amended by adding thereto the following subsection:

- (11) Subject to section 90, where a plan is registered Subsequent dealings under this section, an instrument affecting the land executed after the plan is registered, except an instrument registered under subsection 5 or 8 of section 20, shall not be registered unless it refers and conforms to the plan.

**46.** Clause b of subsection 1 of section 96 of *The Registry Act*, as re-enacted by section 37 of *The Registry Amendment Act, 1962-63*, is amended by striking out "more than ten acres" R.S.O. 1960, c. 348, s. 96 (1962-63, c. 124, s. 37), subs. 1, cl. b, amended in the first and second lines and inserting in lieu thereof "ten acres or more", so that the clause shall read as follows:

- (b) unless the land described is ten acres or more in area and the unaffected remnant, if any, remaining in the owner is also ten acres or more; or

R.S.O. 1960,  
c. 348, s. 107  
(1962-63,  
c. 124, s. 40),  
amended

**47.** Section 107 of *The Registry Act*, as re-enacted by section 40 of *The Registry Amendment Act, 1962-63*, is amended by adding thereto the following subsection:

Duplicate  
return

- (4) Every registrar, other than a registrar in a provisional judicial district, shall transmit to the treasurer of the county or city for which or for part of which he is registrar a duplicate of his annual return on or before the 31st day of January of the year next following the year in respect of which it is made.

R.S.O. 1960,  
c. 348,  
ss. 109-111,  
113, 114,  
re-enacted;  
s. 115, s. 116  
(1962-63,  
c. 124, s. 45),  
repealed

**48.** *The Registry Act* is amended by repealing,

- (a) section 109, as amended by section 42 of *The Registry Amendment Act, 1962-63*;
- (b) sections 110 and 111;
- (c) section 113, as amended by section 44 of *The Registry Amendment Act, 1962-63* and section 30 of *The Registry Amendment Act, 1964*;
- (d) sections 114 and 115; and
- (e) section 116, as re-enacted by section 45 of *The Registry Amendment Act, 1962-63*,

and substituting therefor the following:

Registrars  
to send  
statement  
of amounts  
paid to  
head of  
municipality

109. Every registrar shall, on or before the 7th day of January in each year, transmit to the head of any municipality to which he has made payments in accordance with section 113 during the next preceding year a statement signed by him showing the amounts so paid and the dates of payment, and the head of the municipality receiving the statement shall cause it to be laid before the auditors when auditing the accounts of that year, and shall also read it at the first meeting of the council held after its receipt.

Interpre-  
tation

110. In sections 111, 112, 113 and 119,

- (a) "disbursements" includes salaries, wages and employment benefits;

SECTION 47. The new subsection 4 is a re-enactment of subsection 1 of section 113 of the Act in a more appropriate place. Section 107 requires every registrar to make an annual return to the Inspector, accounting for all revenue and expenditures. See section 48 of this Bill.

SECTION 48. The repealed section 109 of the Act established the formula, referred to as "the percentages", for the remuneration of registrars and also provided that the Lieutenant Governor in Council could fix their remuneration.

Every registrar is now entitled to retain such a fixed remuneration from his office revenue, other than registrars in the provisional judicial districts who are paid by the Province.

The references to "percentages" have thus become obsolete, and sections 109, 110, 111, 113 and 114 of the Act are re-enacted in order to delete the obsolete references and to improve the sequence of the subject-matter.

The manner provided by the new subsection 1 of section 112 of the Act for fixing the remuneration of registrars is similar to that now applicable to other provincial Crown employees.

(Section 112 of the Act was repealed by section 43 of *The Registry Amendment Act, 1962-63.*)

Sections 115 and 116 of the Act are repealed as obsolete. Section 115 applied when a registrar ceased to hold office, and section 116 provided that certain revenue could be retained by the registrar.





- (b) "surplus fees" means the excess of all fees and emoluments received during the calendar year, including fees received under *The Land Titles Act* by a registrar who is also a master of titles, after deducting the disbursements incidental to the business of his office. R.S.O. 1960,  
c. 204

111. A registrar in a provisional judicial district shall pay monthly to the Treasurer of Ontario the excess of his gross income, including income earned by him as master of titles, over the disbursements authorized under section 119 and shall forward every such payment to the Inspector, together with a monthly return in such form as is approved by the Inspector. Registrars  
in the  
districts

112.—(1) The Lieutenant Governor in Council shall, by order in council, prescribe the manner in which the salaries of registrars shall be established. Salaries

(2) Where it appears by the report of the Inspector that in any year a registrar or an officer holding the office of registrar and master of titles has derived from the fees and emoluments of his office, after deducting necessary disbursements, an income that is less than his fixed annual salary, there shall be paid to such registrar or officer, out of the Consolidated Revenue Fund, an amount sufficient to make up the income for the year to his fixed annual salary. Idem

113.—(1) Subject to subsections 2 and 3 and to section 5b of *The Land Titles Act*, every registrar shall pay to the treasurer of the county or city for which or for part of which he is registrar the surplus fees of his office. Registrar  
to pay  
surplus fees  
to treasurer  
R.S.O. 1960,  
c. 204

(2) Where a registry division includes a county or part of a county and a city or town separated from the county for municipal purposes, the surplus fees shall be paid to the treasurer of the county and to the treasurer of the city or town for the use of each municipality in the proportions in which the fees are derived from registrations in respect of land situate in the county and in the city or town respectively. How  
computed  
in certain  
cases

(3) Notwithstanding subsection 2, the Inspector may, in respect of any registry division, direct that the fees payable to the county and to a city or town shall be computed, Division  
of surplus  
fees under  
subs. 2

- (a) in the proportion that the number of instruments affecting land in the county bears to those affecting land in the city or town; or
- (b) upon the joint application of the county and of the city or town, in the proportions requested in the application.

When  
payment to  
be made

- (4) The registrar shall pay 70 per cent of the surplus fees in accordance with this section on or before the 31st day of January of the year next following the year in which the fees were received and shall pay the balance when the Inspector notifies the registrar that his annual return has been audited and found to be correct, or on the 31st day of March of the same year, whichever occurs first.

Exception

- 114. Section 109, subsection 2 of section 112 and section 113 do not apply to a registrar in a provisional judicial district.

R.S.O. 1960,  
c. 348, s. 117,  
amended

- 49.** Section 117 of *The Registry Act* is amended by striking out "or percentage" in the fifth line.

R.S.O. 1960,  
c. 348, s. 125,  
amended

- 50.** Section 125 of *The Registry Act* is amended by striking out "\$5" in the eleventh line and inserting in lieu thereof "\$50".

R.S.O. 1960,  
c. 348, s. 126  
(1962-63,  
c. 124, s. 48),  
subs. 1,  
amended

- 51.** Subsection 1 of section 126 of *The Registry Act*, as re-enacted by section 48 of *The Registry Amendment Act, 1962-63* and amended by section 32 of *The Registry Amendment Act, 1964*, is further amended by adding thereto the following clause:

- (na) requiring, in connection with an instrument presented for registration, proof of compliance with any law that if not complied with might detrimentally affect the title or interest of a person claiming title or an interest under the instrument, and governing the form and manner of presentation of such proof.

R.S.O. 1960,  
c. 348, s. 130  
(1964,  
c. 102, s. 33),  
subs. 1,  
re-enacted

- 52.—**(1) Subsection 1 of section 130 of *The Registry Act*, as enacted by section 33 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor:

Numbering,  
etc.

- (1) Upon receiving the requisition under section 129 and the documents therein mentioned, the registrar shall cause the word "deposited" with the date and deposit number to be endorsed on the requisition.

SECTION 49. Section 117 of the Act provides for the inspection of the accounts of a registry office by the officials of a municipality that is entitled to a portion of the office revenue. The amendment is complementary to section 48 of this Bill, which removes from the Act other references to percentages.

SECTION 50. The minimum penalty for alteration of registry records is increased from \$5 to \$50.

SECTION 51. Subsection 1 of section 126 of the Act provides that the Lieutenant Governor in Council may make regulations. The new clause is similar to section 79*b* of *The Land Titles Act* and is self-explanatory.

SECTION 52—Subsection 1. Subsection 1 is re-enacted to omit a reference to the deposit index, which is no longer in use. The new subsection 1*a* provides for the numbering of deposited documents.

Subsection 2. The amendment is designed to minimize the number of deposits that a person searching titles will be required to examine.

Subsection 3. The subsection is re-enacted to omit a reference to the "registry book", which is no longer in use.

SECTION 53. The provisions of *The Investigation of Titles Act* are transferred to *The Registry Act* in revised form. No major amendment to this legislation has been made since 1929.



- (1a) Deposits shall be numbered consecutively in order <sup>Idem</sup> of time of receipt, in accordance with subsections 1 and 5 of section 54, as though they were instruments or a separate class of instruments.

(2) Subsection 2 of the said section 130 is amended by <sup>R.S.O. 1960, c. 348, s. 130 (1964, c. 102, s. 33), subs. 2, amended</sup> adding at the end thereof "and, where the deposit refers to only a part of a lot, the entry in the abstract index shall include a reference to the part of the lot", so that the subsection shall read as follows:

- (2) Subject to the regulations, the registrar shall also <sup>Names to be entered in alphabetical index</sup> enter in an alphabetical index, to be called the "Alphabetical Deposit Index", the number of the deposit and the name of every party to the document, or to the action, suit or proceeding to which the document relates, or, if the document is a certificate or an affidavit or a statutory declaration or other proof as to the birth, baptism, marriage, divorce, death or burial of any person, the name of such person, and, where the deposit refers to only a part of a lot, the entry in the abstract index shall include a reference to the part of the lot.

(3) Subsection 4 of the said section 130 is repealed and the <sup>R.S.O. 1960, c. 348, s. 130 (1964, c. 102, s. 33), subs. 4, re-enacted</sup> following substituted therefor:

- (4) The registrar shall record every document deposited <sup>Recording</sup> under this Part at full length by means of photographic film reproduction.

**53.** *The Registry Act* is amended by adding thereto the <sup>R.S.O. 1960, c. 348, amended</sup> following Part:

### PART III

#### INVESTIGATION OF TITLES

133. In this Part,

<sup>Interpretation</sup>

- (a) "claim" means a right, title, interest, claim or demand of any kind or nature whatsoever affecting land set forth in, based upon or arising out of a registered instrument, and, without limiting the generality of the foregoing, includes mortgages, liens, easements, agreements, contracts, options, charges, annuities, leases, dower rights whether inchoate or otherwise, and restrictions as to the use of land or other encumbrances affecting land;

- (b) "owner" means a person, other than a lessee or a mortgagee, entitled to a freehold or other estate or interest in land at law or in equity, in possession, in futurity or in expectancy.

Title  
shown for  
40 years

134. A person dealing with land shall not be required to show that he is lawfully entitled to the land as owner thereof through a good and sufficient chain of title during a period greater than the forty years immediately preceding the date of such dealing, except in respect of claims referred to in subsection 2 of section 135.

Expiry of  
claims

- 135.—(1) A claim that has been in existence for longer than forty years does not affect land to which this Act applies unless the claim has been acknowledged or specifically referred to or contained in an instrument or a notice under this Part or under *The Investigation of Titles Act*, being chapter 193 of the Revised Statutes of Ontario, 1960 or any predecessor thereof, registered against the land within the forty-year period.

Exceptions

- (2) Subsection 1 does not apply to,
- (a) a claim of the Crown reserved by letters patent or a claim of the Crown in unpatented land or in land for which letters patent have been issued, but which has reverted to the Crown by forfeiture or cancellation of the letters patent, or in land that has otherwise reverted to the status of unpatented Crown land;
  - (b) a claim of the Crown or of a municipality in respect of any public highway or lane;
  - (c) a wife's claim to an inchoate right to dower in land while her husband is wholly or in part the owner thereof;
  - (d) a claim to an unregistered right-of-way or other easement or right that a person is openly enjoying and using;
  - (e) a claim to a freehold estate in land or an equity of redemption therein by a person shown by the abstract index for the land as being so entitled prior to any forty-year period and continuously shown by the abstract index for the land during the forty-year period and thereafter as being so entitled; or



SECTION 54. These sections of the 1964 amendments were not proclaimed. They are included in this Bill in amended form as sections 31 and 53.

SECTION 55. Self-explanatory.



(f) any claim imposed by a statutory enactment.

(3) For the purposes of subsection 1,

*Idem*

(a) a wife's claim to an inchoate right to dower in land shall be deemed to be acknowledged in an instrument by which her husband alienates the land; and

(b) an instrument, the entry of which has been marked off the abstract index under section 73, shall be deemed not to have been registered.

136.—(1) A person having a claim against land that is not barred under section 135 or a person on his behalf may register in the proper registry office a notice, which shall set forth the claimant's full name and address, a local description of the land and a detailed statement of the claim verified by the affidavit of the person registering the notice.

Registration  
of notice  
of claim

(2) Notwithstanding subsection 1 of section 135 and subsection 1 of this section, a notice of a claim that has expired by virtue of the operation of subsection 1 of section 135 may be registered under subsection 1 of this section if there has been no intermediate registered dealing with the land, and such registration has the same effect as if done within the time limited by subsection 1 of section 135.

*Idem*

(3) The registration of a notice under subsection 1 does not validate a claim that has otherwise expired.

Registration  
not to  
validate  
expired  
claim

137. Where there is any conflict between the provisions of this Part and those of any other Act or any regulation made thereunder or any rule of law, the provisions of this Part prevail.

Part  
to prevail  
over other  
provisions

**54.** Sections 8 and 34 of *The Registry Amendment Act, 1964* are repealed.

1964, c. 102,  
ss. 8, 34,  
repealed

**55.** Except as provided in,

Validity  
of prior  
registrations  
not affected

(a) section 31 of *The Registry Act*, as re-enacted by section 8 of this Act;

(b) section 70a of *The Registry Act*, as enacted by section 31 of this Act;

(c) section 80 of *The Registry Act*, as amended by section 36 of this Act; and

(d) sections 133, 134, 135, 136 and 137 of *The Registry Act*, as enacted by section 53 of this Act,

no provision of *The Registry Act* effected by this Act affects the validity or legal consequence, as the case may be, of the registration of any instrument that was registered before such provision came into force.

Commence-  
ment

**56.**—(1) This Act, except sections 1 to 18, 20 to 46 and 50 to 55, comes into force on the day it receives Royal Assent.

Idem

(2) Section 18 shall be deemed to have come into force on the 1st day of July, 1964.

Idem

(3) Sections 5, 8, 9, 29, 31, 36, 37 and 53 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Idem

(4) Sections 1 to 4, 6, 7, 10 to 17, 20 to 28, 30, 32 to 35, 38 to 46, 50 to 52, 54 and 55 come into force on the 1st day of January, 1967.

Short title

**57.** This Act may be cited as *The Registry Amendment Act, 1966*.









An Act to amend The Registry Act

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*1st Reading*

April 22nd, 1966

*2nd Reading*

*3rd Reading*

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MR. WISHART

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# BILL 97

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## An Act to amend The Registry Act

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MR. WISHART

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*(Reprinted as amended by the Committee on Legal Bills and Labour)*

#### EXPLANATORY NOTES

This Bill is intended to be the final Bill in a series designed to modernize *The Registry Act*. It is anticipated that no further amendments will be made until the Act is completely re-enacted during a subsequent session.

SECTION 1. The definition section is re-enacted to renumber the clauses. The definitions of "county" and "power of attorney" are not required and have been omitted. "Instrument", "plan of subdivision" and "will" have been redefined, and "letters probate" and "notarial" are new.



## An Act to amend The Registry Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Registry Act*, as amended by section 1 of *The Registry Amendment Act, 1962-63* and section 1 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor:

1. In this Act,

Interpre-  
tation

- (a) "certificate of amalgamation of loan corporations" includes a copy certified under the hand of the Registrar of Loan and Trust Corporations of the certificate of assent and declaration referred to in section 102 of *The Loan and Trust Corporations Act* and of any document mentioned in such certificate and a certificate issued for the purpose of registration under any Act of the Legislature authorizing or ratifying an agreement for the purchase and sale of the assets, or for the amalgamation of loan corporations; R.S.O. 1960,  
c. 348, s. 1,  
re-enacted
- (b) "Inspector" means the Inspector of Legal Offices appointed under *The Judicature Act*; R.S.O. 1960,  
c. 197
- (c) "instrument" includes every instrument whereby land in Ontario may be transferred, disposed of, charged, encumbered or affected in any other way, and, without limiting the generality of the foregoing, includes any instrument mentioned in subsection 8 of section 20 and a Crown grant of Canada and of Ontario, a deed, conveyance, mortgage, notice of sale by a mortgagee, assignment of mortgage, certificate of discharge of mortgage, assurance, lease, bond, release, dis-

charge, agreement for the sale or purchase of land, caution under *The Devolution of Estates Act* or renewal or withdrawal thereof, municipal by-law, certificate of proceedings in any court, judgment or order of foreclosure and every other certificate of judgment or order of any court affecting any interest in or title to land, and a certificate of payment of taxes granted under the corporate seal of any municipality by the treasurer, a sheriff's and treasurer's deed of land sold by virtue of his office, a contract in writing, every order and proceeding in bankruptcy and insolvency, a plan of a survey or subdivision of land, and every notice, caution and other instrument registered in compliance with an Act of Canada or Ontario;

- (d) "land" includes lands, tenements, hereditaments and appurtenances and any estate or interest therein;
- (e) "letters probate" includes letters testamentary or a similar grant based on a will proven before a court having jurisdiction in probate matters outside Ontario;
- (f) "local description" means a description of land drawn in accordance with the regulations;
- (g) "notarial" includes prothonotarial;
- (h) "photographic film" includes any photographic plate, microphotographic film or photocopy negative;
- (i) "plan of subdivision" means a plan by which the owner of land divides the land into areas designated on the plan, but does not include a plan under *The Cemeteries Act* or *The Expropriation Procedures Act, 1962-63*;
- (j) "prescribed" means prescribed by this Act or the regulations;
- (k) "registered" means registered under this Act;
- (l) "regulations" means the regulations made under this Act;



SECTION 2. The references to "vaults" have been omitted.

SECTION 3. Self-explanatory.



(m) "surveyor" means a surveyor as defined in *The Surveyors Act*; R.S.O. 1960,  
c. 389

(n) "will" means a will as defined in *The Wills Act*. R.S.O. 1960,  
c. 433

**2.**—(1) Subsection 1 of section 6 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 6,  
subs. 1,  
re-enacted

- (1) For the safe-keeping and protection of all books, records, memorials, documents, instruments and plans in the custody of the registrar, the council of every county, where at any time there are no safe and proper fire-proof offices provided by the council or where any registry office is established or where under section 5 the Lieutenant Governor in Council has directed a change of site, shall provide, furnish, maintain and keep in good repair a safe and fire-proof registry office upon a plan and on a site to be approved by the Lieutenant Governor in Council, and the council shall keep the registry office in good repair, furnished with fuel and furniture and properly heated, lighted, cleaned and ventilated. County  
councils  
to provide  
fire-proof  
offices

(2) Subsection 3 of the said section 6 is amended by striking out "sections 109 and 113" in the fifth line and inserting in lieu thereof "section 113", by striking out "the vault of" in the seventh and eighth lines and by striking out "vault" in the ninth line and inserting in lieu thereof "registry office", so that the subsection shall read as follows: R.S.O. 1960,  
c. 348, s. 6,  
subs. 3,  
amended

- (3) Except where otherwise provided in this Act, the Registrar may in writing authorize the registrar under the direction of an architect named by the Registrar to provide fire-proof or metal fittings, when directed by the Inspector to expend out of the proportion of the fees to which the county or city may then or thereafter be entitled under section 113 so much as may be deemed by the Inspector to be necessary in providing adequate fire-proof or metal fittings for the registry office or for the proper heating and ventilation of the registry office, and the amount so expended, including the architect's charge, shall be certified by the Inspector, and his certificate or a duplicate thereof shall be transmitted by the registrar to the treasurer of the county or city, and is a discharge to the registrar of the amount so certified, as against the proportion of the fees then payable or to become thereafter payable by him. Registrar  
to provide  
fire-proof  
or metal  
fittings,  
when  
directed by  
Inspector

**3.** Section 12 of *The Registry Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 348, s. 12,  
amended

Senior  
deputy

- (1a) Where a registrar has more than one deputy, he shall, with the approval of the Inspector, designate one of the deputies as his senior deputy.

R.S.O. 1960,  
c. 348, s. 17  
(1962-63,  
c. 124, s. 6),  
amended

4. Section 17 of *The Registry Act*, as re-enacted by section 6 of *The Registry Amendment Act, 1962-63*, is amended by adding thereto the following subsection:

Effect of  
abstract

- (7) An abstract furnished by a registrar under this section is *prima facie* evidence of the registration of the instruments of which extracts are included in the abstract.

R.S.O. 1960,  
c. 348, s. 20,  
subs. 1,  
re-enacted

- 5.—(1) Subsection 1 of section 20 of *The Registry Act* is repealed and the following substituted therefor:

Treasurer  
to provide  
books, etc.

- (1) The treasurer of every county and the treasurer of every city for which there is a separate registry office shall on the written request of the registrar provide and pay for all books and indexes required for the business of the registry office.

R.S.O. 1960,  
c. 348, s. 20,  
subs. 3, 4,  
repealed

- (2) Subsections 3 and 4 of the said section 20 are repealed.

R.S.O. 1960,  
c. 348, s. 20,  
subs. 7,  
repealed

- (3) Subsection 7 of the said section 20 is repealed.

R.S.O. 1960,  
c. 348, s. 20,  
subs. 8  
(1962-63,  
c. 124, s. 7,  
subs. 3),  
subs. 9-11,  
re-enacted

- (4) Subsection 8, as re-enacted by subsection 3 of section 7 of *The Registry Amendment Act, 1962-63* and amended by section 6 of *The Registry Amendment Act, 1964*, and subsections 9, 10 and 11 of the said section 20 are repealed and the following substituted therefor:

General  
register

- (8) The following instruments when received for registration shall be registered as general registrations and, except as otherwise provided in this Act, shall not be recorded in the abstract index:

1. Wills.
2. Letters probate.
3. Letters of administration.
4. General appointments of new trustees.
5. Certificates or certified or notarial copies of judgments or of court orders appointing or removing executors, administrators, guardians or trustees.

SECTION 4. The effect of a registrar's abstract is clarified.

SECTION 5—Subsections 1 and 2. References to registry books, which are no longer used, are deleted. The General Register Index is now required by the new subsection 9 of section 20.

Subsections 3 and 4. Complementary to section 35 of this Bill. The repealed subsection 7 is replaced by the new subsection 10 of section 20. Subsection 8 is re-enacted for purposes of clarification. A general register book is no longer kept; general registrations are now microfilmed and indexed under the new subsection 9 of section 20. Items 8, 12, 16 and 17 of subsection 8 are new. The present item 15 has been omitted. Subsection 9 is repealed as the subject-matter is now dealt with in the new subsection 1 of section 20. Subsection 11 is obsolete and is therefore repealed. The new subsections 9 and 11 are the former subsections 7 and 10 in revised form.





6. General certificates of payment of succession duties under *The Succession Duty Act*. R.S.O. 1960,  
c. 386
7. Certificates or certified or notarial copies of orders made under *The Mental Incompetency Act*. R.S.O. 1960,  
c. 237
8. Certificates under section 19 of *The Change of Name Act*. R.S.O. 1960,  
c. 49
9. Powers of attorney or revocations thereof.
10. General bars of dower.
11. Orders in council of Canada or Ontario, or certified copies thereof, not containing local descriptions.
12. Notarial copies of letters patent of incorporation or of supplementary letters patent.
13. Notarial copies of letters patent changing names of corporations or amalgamating corporations.
14. Notarial copies of certificates of amalgamation of loan or trust corporations.
15. Notarial copies of licences in mortmain.
16. Notarial copies of extra-provincial licences under Part IX of *The Corporations Act*. R.S.O. 1960,  
c. 71
17. Plan Documents under subsection 9 of section 86.
18. Claims for lien under *The Mechanics' Lien Act* against land that constitutes the line of railway or right-of-way of a railway company. R.S.O. 1960,  
c. 233
- (9) Every registrar shall keep an alphabetical index in the prescribed form of all general registrations, to be known as the "General Register Index". General  
Register  
Index
- (10) The Inspector may, by written direction, require a registrar to prepare and maintain a separate alphabetical index for any class of general registrations. Separate  
index



Books, etc.,  
Crown  
property

- (11) All books, indexes, photographic film reproductions and other records used and kept in and for the purposes of a registry office are the property of the Crown.

R.S.O. 1960,  
c. 348, s. 25,  
re-enacted

6. Section 25 of *The Registry Act* is repealed and the following substituted therefor:

Registrar  
removed or  
resigning to  
deliver up  
books to  
new  
registrar,  
etc.

25. Where a registrar is removed from or resigns his office, he shall forthwith deliver up all books, plans, instruments, memorials, indexes and photographic film reproductions thereof in his custody as registrar to the person who is appointed registrar in his stead or to any other person who is appointed in writing by the Attorney General to receive them, and, if the registrar refuses to do so, the Attorney General may direct the sheriff of the county to seize and take immediate possession of them wheresoever found.

R.S.O. 1960,  
c. 348, s. 26,  
subs. 1  
(1962-63,  
c. 124, s. 9,  
subs. 1),  
subss. 2, 3,  
re-enacted

7. Subsection 1, as re-enacted by subsection 1 of section 9 of *The Registry Amendment Act, 1962-63*, and subsections 2 and 3 of section 26 of *The Registry Act* are repealed and the following substituted therefor:

Preserva-  
tion of  
abstract  
books, etc.

- (1) It is the duty of every registrar to preserve the abstract index books and other records of his office in good repair.

Copying  
and repair  
of books,  
etc.

- (2) A registrar may, when he deems it necessary, and shall, when so directed by the Inspector, cause,

(a) any book that is becoming obliterated or unfit for further use to be manually or mechanically copied or reproduced and, where portions of the entries in the book are missing, obliterated or cannot be deciphered, the missing details to be obtained, so far as possible, by examination of the instruments relating thereto and incorporated in the copy;

(b) plans and maps to be copied, repaired, restored, mounted, bound or otherwise preserved; and

(c) any book to be repaired,

in a manner approved by the Inspector.

Copy to be  
certified

- (3) Where a book is copied or reproduced under clause a of subsection 2, the registrar shall certify the correctness of the copy.

SECTION 6. The section is re-enacted for purposes of clarification. The penalty is omitted as section 283 of the *Criminal Code* (Canada) covers this offence.

SECTION 7. The amendments are for purposes of clarification. The repealed subsections 1 and 3 required registrars to repair books only on the Inspector's direction; the obligation is now placed on the registrars. The repealed subsection 2 has been re-enacted in revised form as subsection 3a.

SECTION 8. Subsection 1 of section 31 is re-enacted for purposes of clarification. Subsection 2 of section 31 replaces in part subsection 1 of section 47. See section 15 of this Bill. Subsections 3 and 4 of section 31 replace subsection 7 of section 33 of the Act. See section 9 of this Bill. Subsection 5 of section 31 is new and is self-explanatory.

- (3a) The certificate of a registrar under subsection 3 is, <sup>Effect of certificate</sup> to the extent specified in the certificate, *prima facie* evidence that the copy is a true copy of the original book, and such certified copy shall be accepted and received as the original, but the registrar shall nevertheless carefully preserve the original book and produce it upon demand.

8. Section 31 of *The Registry Act* is repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 348, s. 31, re-enacted</sup>

- 31.—(1) Except as otherwise provided in and subject <sup>Instruments that may be registered</sup> to this Act and the regulations, any instrument within the meaning of clause *c* of section 1 and any other instrument specifically permitted to be registered under Part I of this Act may be registered.

- (2) Unless otherwise provided in this Act, any instrument <sup>Delivery of instruments to registrar</sup> that may be registered shall be registered upon and by delivery to and deposit with the registrar of the instrument or of an executed duplicate or other original part thereof with all necessary affidavits.

- (3) Subject to subsection 4, the registration of an instrument purporting to affect unpatented Crown <sup>Un-patented Crown land</sup> land has no effect under this Act.

- (4) Subsection 3 does not apply, <sup>Exceptions</sup>

(a) to a mortgage or other encumbrance made by the original nominee of the Crown or by a person through whom a person obtaining a grant of land from the Crown derived title, or to a lien affecting the land;

(b) to a plan of Crown land made under *The Highway Improvement Act*, *The Public Lands Act* or any other Act of Ontario; <sup>R.S.O. 1960, cc. 171, 324</sup>

(c) to a lease of Crown land or of an interest therein or of any interest of the Crown in land under *The Mining Act* or *The Public Lands Act*; <sup>R.S.O. 1960, cc. 241, 324</sup>

(d) in the case of an instrument purporting to affect land, which when the instrument was registered was unpatented Crown land, if,

(i) a patent of the land is subsequently registered, or

- (ii) a notice, which was issued by any competent governmental authority, in existence before or after the creation of the Province of Ontario, and which stated that the land was patented, is recorded in the registry office; or
- (e) to an instrument affecting land that was unpatented Crown land at the time of registration of the instrument, where the instrument,
  - (i) was registered in compliance with an Act of Ontario, or
  - (ii) was registered as contemplated by an Act of Ontario and the instrument was either executed or approved on behalf of the Crown by a Minister or other person authorized by law so to do.

Water lots,  
etc.

- (5) An instrument purporting to affect land covered by water shall not be registered unless the registry division in which the land is situate can be readily ascertained from the instrument.

R.S.O. 1960,  
c. 348, s. 33,  
re-enacted

9. Section 33 of *The Registry Act*, as amended by section 10 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor:

When local  
description  
required

- 33.—(1) An instrument that does not contain a local description of the land affected thereby shall not be registered, unless
- (a) the instrument is a plan;
  - (b) the instrument is to be registered as a general registration under subsection 8 of section 20;
  - (c) the instrument is a by-law that does not directly affect title to land
  - (d) the instrument is a certificate of discharge purporting to completely discharge a mortgage to which subsection 5 of section 65 does not apply;
  - (e) the instrument has securely attached to it a declaration in the prescribed form made by a party to the instrument or by his solicitor,



SECTION 9. Section 33 is re-enacted and clarified. The provision prohibiting registration of instruments dealing with unpatented Crown land is deleted as it is included in section 8 of the Bill.

The new section 33a is designed to ensure that a conveyance of an easement will be recorded in the abstract index for the servient tenement. The courts have held that an easement is enforceable even though the instrument by which it is conveyed is recorded only in the abstract index for the dominant tenement.

SECTION 10. The subsection is obsolete and is therefore repealed. It provided that an instrument made before the 1st day of September, 1910, could be registered, although not accompanied by supporting affidavits that were required after that date.

SECTION 11. The section is re-enacted for purposes of clarification.

or by his attorney under registered power of attorney, or by the heirs, executors or administrators of a party to the instrument, or, where the party is a corporation, by an officer thereof, stating that the instrument affects land within the registry division, and containing a local description; or

- (f) the instrument is a judgment or order of the court or of a judge, or a certificate or certified or notarial copy of such judgment or order, and has securely attached to it a declaration in the prescribed form, made by one of the parties to the action or by his solicitor, stating that the instrument affects land within the registry division, and containing a local description.

- (2) A registered instrument may be recorded or further recorded in the abstract index upon the registration of a declaration in the prescribed form made by any of the persons mentioned in clauses *e* and *f* of subsection 1. Idem

33a.—(1) In this section, “easement” means an easement, right-of-way, right or licence in the nature of an easement, *profit à prendre* or other incorporeal hereditament, but does not include such an easement arising by operation of law. Interpretation

- (2) Notwithstanding section 15 of *The Conveyancing and Law of Property Act* or any rule of law, an instrument purporting to convey an easement, made after the day on which this section comes into force, does not, as against a *bona fide* purchaser who, for valuable consideration and without actual notice, purchases the servient tenement after the registration of the instrument, convey to the grantee any interest in the easement unless a local description of the affected part of the servient tenement is contained in the instrument by which the conveyance is made. Easements, etc.  
R.S.O. 1960,  
c. 66

10. Subsection 4 of section 34 of *The Registry Act* is repealed. R.S.O. 1960,  
c. 348, s. 34,  
subs. 4,  
repealed

11. Section 37 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 37,  
re-enacted

Affirmation  
or declara-  
tion in  
certain  
cases  
R.S.O. 1960,  
c. 125

37. Where under this Act proof for registration is required in the form of an affidavit, the proof may be in the form of an affirmation or solemn declaration complying with section 18 or 43 of *The Evidence Act*, respectively.

R.S.O. 1960,  
c. 348, s. 40  
(1962-63,  
c. 124, s. 16),  
re-enacted

- 12.** Section 40 of *The Registry Act*, as re-enacted by section 16 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Judge may  
dispense  
with  
affidavit  
of witness

40. Where an instrument that is otherwise capable of registration is not accompanied by an affidavit of execution as required by this Act or is accompanied by an incomplete or defective affidavit of execution, any person who is or claims to be interested in the registration of the instrument may make proof before a judge of any county or district court of the execution of the instrument, and, where a certificate in the prescribed form is endorsed on the instrument and signed by the judge, the certificate shall be received in lieu of the affidavit.

R.S.O. 1960,  
c. 348, s. 42  
(1962-63,  
c. 124, s. 17),  
subs. 1,  
amended

- 13.**—(1) Subsection 1 of section 42 of *The Registry Act*, as re-enacted by section 17 of *The Registry Amendment Act, 1962-63* and amended by section 14 of *The Registry Amendment Act, 1964*, is further amended by striking out "or" at the end of clause *a* and by adding thereto the following clauses:

- (c) the original judgment or order under the seal of the court; or
- (d) a notarial copy of the original judgment or order, certified copy or certificate, if the original judgment or order, certified copy or certificate is produced to the registrar with the notarial copy for verification of the correctness of the notarial copy.

R.S.O. 1960,  
c. 348, s. 42  
(1962-63,  
c. 124, s. 17),  
amended

- (2) The said section 42 is amended by adding thereto the following subsection:

Number of  
mechanic's  
lien to be  
included in  
order dis-  
charging,  
etc.

R.S.O. 1960,  
c. 233

- (3) After the 1st day of January, 1967, an order discharging a mechanic's lien or vacating a certificate of action under *The Mechanics' Lien Act* shall be registered by registering the order or a certificate thereof, under the seal of the court, that includes a local description and a reference to the registration number of every registered claim for lien and certificate of action affected thereby.

R.S.O. 1960,  
c. 348, s. 45,  
re-enacted

- 14.** Section 45 of *The Registry Act* is repealed and the following substituted therefor:

**SECTION 12.** The section is re-enacted to permit a judge to deal with incomplete or defective affidavits.

**SECTION 13—Subsection 1.** The amendments permit the registration of original judgments or orders, or notarial copies thereof.

**Subsection 2.** Self-explanatory.

**SECTION 14.** The section is re-enacted to increase the number of instruments on which addresses are required.



**SECTION 15.** The subject-matter of the repealed section 47 is dealt with by sections 8 and 21 of this Bill and by sections 55 and 85 of the Act.

**SECTION 16.** The section as re-enacted omits the present subsection 1 of section 48 of the Act, which is obsolete, as all registry offices now have microfilm equipment. The present subsection 3 is re-enacted as subsection 1, and the present subsection 2 is re-enacted as subsection 2 with the omission of a reference to the registry book.

45. A registrar shall not register,

Address of  
grantee to  
be endorsed  
on certain  
instruments

- (a) a deed or other conveyance;
- (b) an agreement for the sale or purchase of land, or an assignment thereof;
- (c) a mortgage, or an assignment thereof;
- (d) a lease, or an assignment thereof, or a notice of a lease or assignment of a lease;
- (e) a claim for a mechanic's lien, or an assignment thereof;
- (f) a notice of a conditional sale contract, or an assignment thereof;
- (g) a certificate of judgment or a final order of foreclosure of a mortgage; or
- (h) a vesting order,

unless there is endorsed on such instrument the place of residence or address for service of each person obtaining or claiming an interest in or in respect of land under the instrument.

15. Section 47 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348, s. 47,  
repealed

16. Section 48 of *The Registry Act*, as re-enacted by section 16 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 348, s. 48  
(1964,  
c. 102, s. 16),  
re-enacted

48.—(1) A final order of foreclosure or an instrument purporting to be a conveyance of land under power of sale contained in an unregistered mortgage or a mortgage that has not been recorded in full shall not be registered until the mortgage and any assignment thereof have been duly registered and recorded in full under subsection 2, and a notation of the date of such recording shall be made in the abstract index opposite the entry of the mortgage and assignment, if any.

When  
mortgage  
to be  
recorded  
in full

- (2) Where a mortgage has not been recorded in full, the registrar, upon the application of any person claiming to be interested in the mortgaged land and upon payment of the prescribed fees, less the amount already paid for the registration of the mortgage, shall cause the mortgage to be recorded in full by means of photographic film reproduction.

Idem

R.S.O. 1960,  
c. 348, s. 51,  
repealed

**17.** Section 51 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348, s. 52,  
re-enacted

**18.**—(1) Section 52 of *The Registry Act*, as amended by section 17 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor:

Affidavit  
as to age

52.—(1) A deed, conveyance, mortgage, assignment of mortgage, discharge of mortgage, lease, assignment of lease, release or quit claim shall not be registered unless there is made on or securely attached to it an affidavit by each person or one of the persons, other than a corporation, making it, or, if the document is executed by an attorney, by that attorney, deposing that each person making the instrument was of the full age of twenty-one years at the time of execution of the instrument.

Guarantor,  
etc.

(2) On and after the 1st day of January, 1967, where a person executes a mortgage as a guarantor or surety, the mortgage shall not be registered unless there is made on or securely attached to it an affidavit by such person stating whether he was of the full age of twenty-one years at the time he executed the mortgage.

Plan of  
subdivision

(3) A plan of subdivision shall not be registered unless the age of every person, other than a corporation, who executes the plan as an owner or who, as mortgagee consents to the registration of the plan, is proven in the manner and form prescribed by the regulations to be of the full age of twenty-one years at the time of execution of the plan.

Power of  
attorney

(4) A power of attorney made after the 1st day of July, 1964, other than a power of attorney made by a corporation or by a married woman solely for the purpose of barring her dower, shall not be registered unless there is made on or securely attached to it the affidavit of one of the persons by whom it was executed, or by the attorney, deposing that each person by whom the power of attorney was executed was of the full age of twenty-one years at the time of execution of the power of attorney.

Affidavit  
as to  
marriage

(5) A deed, conveyance, mortgage, lease, release or quit claim that is made by a man and in which a woman joins as his wife to bar her dower shall not be registered unless there is made on or securely attached to it an affidavit by such man or woman, or, if the

**SECTION 17.** The section is obsolete and is therefore repealed. It referred to copying in the copy books, which are no longer in use.

**SECTION 18.** The section is re-enacted for purposes of clarification. Subsection 2 is new and is self-explanatory. Subsection 3 is complementary to subsection 3 of section 37 of the Bill, which provides for affidavits relating to plans of subdivision to be filed separately. In subsection 4, the exceptions relating to corporations and married women are new.





document is executed by an attorney, by that attorney, deposing that they were married at the time of execution of the instrument.

- (6) A deed, conveyance, mortgage, lease, release or quit claim that is made by a man and in which no person joins as his wife shall not be registered unless there is made on or securely attached to it an affidavit by the man, or, if the document is executed by an attorney, by that attorney, deposing that the man was married, unmarried, divorced or a widower, as the case may be, at the time of execution of the instrument. Affidavit as to marital status
- (7) Where an affidavit required by this section is made by an attorney that is a corporation, the affidavit shall be made by an officer of the corporation. Affidavit by corporate attorney
- (8) Where an instrument that is otherwise capable of registration is not accompanied by an affidavit as required by this section or is accompanied by an incomplete or defective affidavit and a person who is or claims to be interested in the registration of the instrument makes proof before a judge of any county or district court that an affidavit as required cannot be obtained conveniently and that the facts were as are required to be stated by the affidavit, the judge may dispense with the affidavit, and thereupon he shall endorse upon the instrument or securely attach to it his certificate, in the prescribed form, stating the facts that have been proven to his satisfaction, and the judge's certificate shall be received in lieu of the affidavit. Judge may dispense with affidavit
- (9) Subsection 1 does not apply, Where subs. 1 does not apply
- (a) to a wife who joins in an instrument solely for the purpose of barring her dower;
  - (b) to an executor or administrator, the Public Trustee or any other person dealing with lands in a representative capacity; or
  - (c) to an infant who executes an instrument under the authority of a court of competent jurisdiction.
- (10) Subsections 5 and 6 do not apply, Where subss. 5, 6 do not apply
- (a) to a conveyance made in pursuance of a power of sale contained in a mortgage;

- (b) to an instrument made by persons as joint tenants, trustees or under power of appointment or who hold the lands as partnership property if they are so described in a registered conveyance of the lands to them;
- (c) to a mortgage of leasehold lands;
- (d) to a person executing an instrument in his capacity as an executor or administrator or trustee under a will or to the Public Trustee or any other person dealing with lands in a representative capacity; or
- (e) to a lessee.

## Exception

(2) Notwithstanding subsection 2 of section 55 of this Act, subsection 1 of section 52 of *The Registry Act*, as re-enacted by subsection 1, does not apply in respect of a discharge of a mortgage where the discharge is executed before the 1st day of January, 1967.

R.S.O. 1960,  
c. 348, s. 53,  
subs. 4,  
amended

**19.**—(1) Subsection 4 of section 53 of *The Registry Act*, as amended by section 4 of *The Registry Amendment Act, 1965*, is further amended by adding "or" at the end of clause *j* in the amendment of 1965 and by adding thereto the following clauses:

R.S.O. 1960,  
c. 71

- (k) a corporation exempted from Part IX of *The Corporations Act* under subsection 1 of section 345 of that Act; or

(l) Ontario Development Corporation.

R.S.O. 1960,  
c. 348, s. 53,  
amended

(2) The said section 53 is amended by adding thereto the following subsection:

Idem

R.S.O. 1960,  
c. 324

- (5) This section does not apply in respect of a Crown grant to which section 37 of *The Public Lands Act* applies.

R.S.O. 1960,  
c. 348, s. 54  
(1962-63,  
c. 124, s. 22),  
subs. 5,  
amended

**20.** Subsection 5 of section 54 of *The Registry Act*, as re-enacted by section 22 of *The Registry Amendment Act, 1962-63*, is amended by striking out "shall" in the first line and inserting in lieu thereof "may".

R.S.O. 1960,  
c. 348, s. 55  
(1962-63,  
c. 124, s. 22),  
subs. 1,  
cl. b,  
re-enacted

**21.**—(1) Clause *b* of subsection 1 of section 55 of *The Registry Act*, as re-enacted by section 22 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor:

SECTION 19—Subsection 1. The amendment adds to the list of corporate grantees that are not required to provide affidavits as to compliance with *The Mortmain and Charitable Uses Act*.

Subsection 2. The new subsection is designed to facilitate the registration of Crown grants under section 37 of *The Public Lands Act* by dispensing with an affidavit as to compliance with *The Mortmain and Charitable Uses Act* in respect of corporate patentees of land. Such an affidavit is now required by subsection 2 of section 53 of *The Registry Act*.

SECTION 20. The amendment makes the assigning of a separate series of registration numbers to plans of subdivision permissive rather than mandatory.

SECTION 21. The amendment replaces the provisions of subsection 3 of section 47 of the Act, which is repealed by section 15 of this Bill.

SECTION 22. The new section 57 is complementary to subsection 8 of section 20 of the Act, as re-enacted by section 5 of this Bill, and is also complementary to section 80 of the Act, as amended by section 35 of this Bill.

Those sections refer to general registrations, which in future will not constitute notice.

SECTION 23. The amendments are for the purpose of clarification only.



(b) shall cause every page thereof to be stamped with a perforating stamp bearing the word "Registered"; and

(c) shall cause it to be recorded,

(i) on photographic film, and

(ii) in the proper abstract index, or in the general register index, or in the by-law index, and

(iii) subject to the regulations, in the alphabetical index.

(2) Subsection 4 of the said section 55 is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 55, (1962-63, c. 124, s. 22), subs. 4, re-enacted

(4) Clause *b* and subclauses *i* and *iii* of clause *c* of subsection 1 do not apply in the case of a plan of subdivision or other registered plan. Exception as to plans

**22.** Section 57 of *The Registry Act*, as re-enacted by section 23 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 57, (1962-63, c. 124, s. 23), re-enacted

57. Where by any Act of Canada or Ontario an order in council or a certified copy thereof is required to be registered or deposited in a registry office, the order or a certified copy thereof may be registered and recorded, Orders in council

(a) in the case of an order that does not contain a local description, as a general registration; or

(b) in the case of an order that contains a local description, in the abstract index.

**23.—**(1) Subsections 1, 2 and 3 of section 58 of *The Registry Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 58, subs. 1, re-enacted; subs. 2, 3, repealed

(1) A will shall be registered by registering, Wills

(a) the original will or a notarial copy thereof with,

(i) an affidavit sworn by one of the subscribing witnesses to the will proving the due execution thereof by the testator, and



(ii) an affidavit by one of the subscribing witnesses or by some other person stating that the testator is dead;

(b) the letters probate or letters of administration with the will annexed or a notarial copy thereof; or

(c) an exemplification or certified copy of the letters probate or letters of administration with the will annexed under the seal of the court that granted such letters or a notarial copy of such exemplification or certified copy.

R.S.O. 1960,  
c. 348, s. 58,  
subss. 4, 5,  
re-enacted

(2) Subsections 4 and 5 of the said section 58 are repealed and the following substituted therefor:

Consent of  
Treasurer  
required

(4) Except with the consent in writing of the Treasurer of Ontario or of some person authorized by him to consent,

(a) an original will; or

(b) letters probate, letters of administration with the will annexed, or any other grant based on a will given by a court outside Ontario having jurisdiction in probate matters,

or an exemplification, certified or notarial copy thereof shall not be registered under subsection 1.

Notarial  
copy of  
will, etc.

(5) Where, at the time of registration of a notarial copy under this section, the will or other instrument is produced to the registrar, he shall endorse his certificate of registration upon and return the will or other instrument.

R.S.O. 1960,  
c. 348, s. 58,  
subss. 8-10,  
re-enacted

(3) Subsections 8, 9 and 10 of the said section 58 are repealed and the following substituted therefor:

Notarial  
copy of  
general  
certificate

(8) Where, at the time of registration of a general certificate under subsection 7, a notarial copy thereof is produced to the registrar, he shall endorse his certificate of registration upon and return the copy.

Recording  
certificate

(9) A general certificate under subsection 7 shall be registered as a general registration, and shall also be recorded in the proper abstract index if any land is specifically referred to therein.



SECTION 24. The section is new and is self-explanatory.

SECTION 25. The section as re-enacted omits the reference to the "register", which has been replaced by microfilm, and refers instead to the "instrument".

SECTION 26—Subsection 1. The subsection is re-enacted to omit obsolete references to the manner of recording.

Subsection 2. The present subsection 5 of section 65 of the Act is obsolete as it refers to fees for the additional recording of a declaration in the copy book, which is no longer in use. The new subsection re-enacts subsection 4 of section 86 of the Act and is complementary to section 37 of this Bill.

- (10) Notwithstanding anything in this section, a consent under subsection 6 or a general certificate under subsection 7 is required only once in connection with the same property in the same estate. Consent,  
etc.,  
required  
only once

**24.** *The Registry Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 348,  
amended

- 58a. A consent under the *Estate Tax Act* (Canada) may be registered separately, or may be registered attached to an instrument in the same instances and in the same manner as a consent of the Treasurer of Ontario under subsection 6 of section 58. Consent  
under 1958,  
c. 29 (Can.)

**25.** Section 60 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 60,  
re-enacted

60. An instrument purporting to convey or otherwise deal with land in any manner shall not be registered if executed by any person as devisee, legatee, executor or administrator of the estate of a deceased person who at the time of his death appears from the instrument to have been in any wise possessed of or interested in the land in question unless before the time of registration of the instrument the will or the letters probate of the will or the letters of administration under which the person executing the instrument claims to be entitled has or have been registered in the registry division in which the land in question is situate and the registration date and number thereof have been inserted in the body of the instrument or in its margin. Where  
registration  
of will,  
etc.,  
required

**26.**—(1) Subsection 1 of section 65 of *The Registry Act*, as amended by section 27 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 65,  
subs. 1,  
re-enacted

- (1) A certificate of discharge, in the prescribed form, of a registered mortgage, executed by the mortgagee, his executor, administrator or assignee, or by such other person as may be entitled by law to receive the money and to discharge the mortgage, may be registered. Discharge  
of mortgage

(2) Subsection 5 of the said section 65 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 65,  
subs. 5,  
re-enacted

- (5) Where land is mortgaged and subsequently subdivided by a registered plan of subdivision, judge's plan, registrar's compiled plan, or any other regis- Where plan  
registered  
after  
mortgage



tered plan by which lots are created, any certificate of discharge of the mortgage shall contain a description of the affected land with reference to the plan.

R.S.O. 1960,  
c. 348  
amended

**27.** *The Registry Act* is amended by adding thereto the following section:

Change of  
name of  
mortgagee

65a. Subject to section 66, where, after the registration of a mortgage, the name of the person or corporation entitled to receive the money and to discharge the mortgage has changed or been changed, an explanation of the change of name,

R.S.O. 1960,  
c. 49

(a) shall, in the case of a change of name by order under *The Change of Name Act* or by supplementary letters patent, be noted in the body or margin of the certificate of discharge, with reference to the registration number of the certificate of order or supplementary letters patent;

(b) shall, if made by an Act of Ontario or of any other jurisdiction, be noted in the body or margin of the certificate of discharge, with reference to the Act; or

(c) shall, if made upon or in consequence of adoption, marriage, annulment or dissolution of marriage, or in any other way, be set forth in a declaration, attached to the certificate of discharge, made by the person signing the certificate of discharge or by his solicitor.

R.S.O. 1960,  
c. 348, s. 68,  
subs. 1,  
amended

**28.**—(1) Subsection 1 of section 68 of *The Registry Act* is amended by striking out "tendered for registration or" in the eighth line, so that the subsection shall read as follows:

Registration  
of discharge  
given by  
person other  
than the  
mortgagee

(1) Where the person entitled to receive the mortgage money and to discharge a registered mortgage is not the original mortgagee, he shall, at his own expense, cause to be registered before the registration of the certificate of discharge all the instruments or documents through which he claims interest in and title to the mortgage money, and until those instruments or documents are registered the certificate of discharge shall not be registered.

R.S.O. 1960,  
c. 348, s. 68,  
subs. 5, 6,  
repealed

(2) Subsections 5 and 6 of the said section 68 are repealed.



SECTION 27. The new section is self-explanatory. It applies in the case of a mortgagee, other than an amalgamated loan or trust corporation, whose name has been changed after the registration of the mortgage.

SECTION 28—Subsection 1. The amendment deletes inappropriate words.

Subsection 2. The repealed subsections provided for the registration of a part of a will. As registration fees are no longer related to the length of a document, the subsections are deleted as obsolete.

SECTION 29. The prescribed form of discharge is now included in a regulation instead of in the Act.

SECTION 30. The law governing the exercise of powers of appointment to uses is codified and made uniform with corresponding provisions in *The Land Titles Act*.

**29.** Section 70 of *The Registry Act* is amended by inserting after "Act" in the fifth line "and the regulations", so that the section shall read as follows: R.S.O. 1960,  
c. 348, s. 70,  
amended

70. Every certificate of payment or discharge of a mortgage or of the conditions therein or of the lands or any part thereof, at any time given, and whether before or after the time limited by the mortgage for payment or performance, if in conformity with this Act and the regulations is, when registered, a discharge of the mortgage or of the lands described in the certificate, as the case may be, and is as valid and effectual in law as a release of the mortgage or of the lands and as a conveyance to the mortgagor, his heirs or assigns of the original estate of the mortgagor therein. Effect of  
registration  
of discharge  
of mortgage

**30.** *The Registry Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 348,  
amended

70a.—(1) In this section, Interpre-  
tation

(a) "deed to uses" means a deed purporting to grant or convey land to such uses as the grantee may appoint, regardless of the method of appointment specified in the deed, and, until appointment or in default of appointment, purporting to grant or convey the land to the use of the grantee absolutely, and includes every such deed containing words of like import, but does not include a mortgage;

(b) "grantee to uses" means a grantee named in a deed to uses.

(2) A mortgage made by a grantee to uses does not exhaust his power of appointment. Mortgage  
does not  
exhaust  
power

(3) Notwithstanding the registration of a discharge of, Effect of  
discharge  
of mortgage

(a) a mortgage that was made by a grantee to uses; or

(b) a mortgage to which the land was subject when the grantee to uses became the grantee,

the grantee to uses may exercise his power of appointment as though the mortgage had not been made.

Application

(4) This section applies to,

- (a) land conveyed by a deed to uses registered on or after the day on which this section comes into force; and
- (b) land conveyed by a deed to uses registered before the day on which this section comes into force, but not conveyed or devised until after that day by the grantee to uses by a deed or will.

R.S.O. 1960,  
c. 348, s. 71,  
subs. 4,  
repealed

**31.** Subsection 4 of section 71 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348, s. 73,  
subs. 1,  
amended

**32.**—(1) Subsection 1 of section 73 of *The Registry Act* is amended by striking out “and the certificate purporting to be the discharge thereof” in the second and third lines and inserting in lieu thereof “by an instrument that”, so that the subsection shall read as follows:

Marking off  
certain  
entries

- (1) Where a mortgage registered since the 1st day of January, 1890, is purported to be discharged by an instrument that has been registered for ten or more years, and wherever a certificate of *lis pendens* registered since the 1st day of January, 1890, has been vacated and the certificate of the judgment or order vacating it has been registered for two or more years, the registrar shall, wherever the mortgage or the discharge thereof or any other instrument dealing exclusively with the mortgage and wherever the certificate of *lis pendens*, certificate of judgment or order vacating the same appear on any abstract index in his office, draw a line in red ink through all such entries and initial and date the same, and the lands described in the mortgage or certificate of *lis pendens* are validly discharged therefrom.

R.S.O. 1960,  
c. 348, s. 73,  
subs. 2,  
re-enacted

(2) Subsection 2 of the said section 73 is repealed and the following substituted therefor:

Partial  
discharge of  
mortgage

- (2) Where an instrument purporting to partially discharge a mortgage registered since the 1st day of January, 1890, has been registered for ten or more years and the mortgage does not affect any portion

SECTION 31. The repealed subsection required an affidavit as to the execution by the sheriff of a certificate of discharge of a mortgage under seizure. The same subject-matter is covered by section 34 of the Act.

SECTION 32—Subsections 1 and 2. The amendments are for the purpose of clarification.



Subsection 3. The new subsection 7 dealing with conditional sale contracts is similar to the preceding subsections. The new subsection 8 requires a registrar to delete notices that were discharged on the 31st day of December, 1951, by section 14 of *The Old Age Assistance Act, 1951*.

SECTION 33. These subsections referred to certain by-laws relating to roads. The subject-matter of the repealed subsection 1 is to be transferred to *The Municipal Act*. Subsection 2 referred to by-laws passed before the 29th day of March, 1873.

SECTION 34. The repealed subsection permitted the registration of a sworn copy in instances where the Act provided for the registration of a notarial copy, and was enacted in 1963 as a temporary device. In view of sections 13 and 23 of this Bill, the subsection is no longer required.

SECTION 35. Section 80 of the Act provides that the registration of an instrument constitutes notice. The effect of the amendment is to restrict the operation of the section to those instruments that are recorded in the abstract index.

of the lot other than the portion described in the instrument, the provisions of subsection 1 apply to the partial discharge in like manner as they would to the mortgage if wholly discharged.

(3) The said section 73 is amended by adding thereto the following subsections: R.S.O. 1960,  
c. 348, s. 73,  
amended

(7) Where an instrument is registered purporting to discharge a registered notice of a conditional sale contract and the discharge has been registered for two or more years, the registrar shall, if the discharge was registered after the 1st day of January, 1967, and may, if registered before that date, draw a line in red ink through the entries of the notice and of the discharge, and of any intervening assignment in the abstract index and initial and date the same, and thereupon the notice and assignment, if any, shall be validly discharged to the same effect thereafter with respect to persons dealing with the land mentioned or referred to therein as if the notice and assignment had not been registered under this Act. Conditional  
sales

(8) Where a notice of the granting of a pension was registered under section 13 of *The Old Age Pensions Act*, being chapter 258 of the Revised Statutes of Ontario, 1950, or any predecessor of that section, the registrar shall draw a line in red ink through the entry of the notice and of any registered discharge thereof in the abstract index and initial and date the same. Pension  
notices

**33.** Subsections 1 and 2 of section 75 of *The Registry Act* are repealed. R.S.O. 1960,  
c. 348, s. 75,  
subs. 1, 2,  
repealed

**34.** Subsection 3 of section 75a of *The Registry Act*, as enacted by section 32 of *The Registry Amendment Act, 1962-63*, is repealed. R.S.O. 1960,  
c. 348, s. 75a  
(1962-63,  
c. 124, s. 32),  
subs. 3,  
repealed

**35.** Section 80 of *The Registry Act* is amended by adding thereto the following subsections: R.S.O. 1960,  
c. 348, s. 80,  
amended

(2) Subsection 1 does not apply to an instrument entered in the by-law index or to an instrument registered as a general registration under subsection 5 or 8 of section 20 or under predecessors of those subsections, Where  
subs. 1  
does not  
apply

- (a) unless an entry of the instrument appears in the abstract index;
- (b) unless an entry of a declaration under subsection 2 of section 33 or a predecessor of that subsection referring to the instrument appears in the abstract index;
- (c) unless the instrument is mentioned in a subsequently registered instrument and an entry of the latter instrument or of a declaration referring thereto, as mentioned in clause b, appears in the abstract index; or
- (d) unless the instrument is a claim for lien under *The Mechanics' Lien Act* against land that constitutes the line of railway or right-of-way of a railway company.

R.S.O. 1960,  
c. 233

Saving

- (3) Subsection 2 does not, in respect of a lot or a part of a lot, alter the effect of registration of an instrument registered before the day on which that subsection comes into force if, within three years after that day, the instrument is re-registered or a declaration under subsection 2 of section 33 referring to the instrument is registered and an entry of the instrument or declaration is made in the abstract index for the lot or the part.

R.S.O. 1960,  
c. 348, s. 82,  
amended

**36.** Section 82 of *The Registry Act* is amended by adding thereto the following subsection:

Application  
of subs. 1

- (2) Subsection 1 does not apply in respect of a lot or a part of a lot unless an entry of the will, probate or letters of administration with the will annexed has been made in the abstract index for the lot or the part.

R.S.O. 1960,  
c. 348, s. 86  
(1964,  
c. 102, s. 22),  
subss. 3, 4,  
re-enacted

**37.**—(1) Subsections 3 and 4 of section 86 of *The Registry Act*, as re-enacted by section 22 of *The Registry Amendment Act, 1964*, are repealed and the following substituted therefor:

Instruments  
to conform  
to plan

- (3) Subject to section 90, an instrument affecting the land on a plan or any part thereof, executed after the plan is registered, except an instrument registered under subsection 5 or 8 of section 20, shall not be registered unless it refers and conforms to the plan.

Effect of  
mortgagee's  
consent

- (4) The consent of the mortgagee to a plan of subdivision, when registered, discharges from the mortgage any land dedicated by the owner as a public

SECTION 36. The new subsection 2 of section 82 is complementary to subsection 2 of section 80 of the Act, as enacted by section 35 of this Bill.

SECTION 37—Subsection 1. Subsection 3 of section 86 is re-enacted for clarity. The repealed subsection 4 is transferred by subsection 2 of section 26 of this Bill to a more appropriate place in the Act. The new subsection 4 clarifies the effect of the consent of the mortgagee to a plan of subdivision.

Subsections 2 and 3. The amendments will allow regulations to be made to reduce the number of affidavits on a plan of subdivision.

SECTION 38. The subsection is re-enacted for clarity and involves no change in principle.



highway and any land designated as a reserve that is conveyed to the corporation of the municipality in which the land is situate.

(2) Subsection 7 of the said section 86 is amended by striking out "and, except in the case of a corporation, every such signature is verified by affidavit" in the eighth and ninth lines, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 348, s. 86  
(1964,  
c. 102, s. 22),  
subs. 7,  
amended

(7) The registrar shall not register a plan of a subdivision of land unless the person by whom or on whose behalf the plan is tendered for registration appears on the registry books to be the owner of the land, or unless the consent in writing of every person who appears by the registry books to be a mortgagee of the land is endorsed on the plan and signed by every such person, but nothing in this section shall be deemed to require the consent to any such plan of the owner of an easement or right in the nature of an easement in respect of the land.

Registrar  
not to file  
plans for  
anyone but  
owner or  
without  
consent of  
mortgagees

(3) The said section 86 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 348, s. 86  
(1964,  
c. 102, s. 22),  
amended

(9) Notwithstanding subsection 2 of section 34 and subsection 7 of this section, the consents of the mortgagees and the required affidavits may be omitted from the plan if they are included in an instrument, to be known as a "Plan Document", in the form prescribed and registered in the manner provided by the regulations.

Plan  
Document

**38.** Subsection 1c of section 88 of *The Registry Act*, as enacted by subsection 1 of section 23 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 348, s. 88,  
subs. 1c  
(1964,  
c. 102, s. 23,  
subs. 1),  
re-enacted

(1c) Where a compiled plan is registered under subsection 1a,

Effect of  
compiled  
plan

(a) subject to section 90, an instrument affecting the land executed after the plan is registered, except an instrument registered under subsection 5 or 8 of section 20, shall not be registered unless it refers to the plan; and

(b) the plan is binding on all persons subsequently dealing with the land or any part thereof included in the plan or any interest in or con-

cerning the same, but does not affect the rights or interests of any owner or other person entitled at or before the date of registration.

R.S.O. 1960,  
c. 348, s. 89,  
amended

**39.** Section 89 of *The Registry Act* is amended by adding at the commencement thereof "Subject to the regulations", so that the section shall read as follows:

Registration  
of instru-  
ment  
referring to  
an unregis-  
tered plan

89. Subject to the regulations, no instrument referring to an unregistered plan shall be registered unless an instrument referring to the plan has been registered in respect of the same land, and, if the registrar objects to the registration of an instrument on the ground that it refers to an unregistered plan, he may refuse to register the instrument unless the person desiring its registration refers the registrar to the number of an instrument registered in respect of the same land referring to the unregistered plan.

R.S.O. 1960,  
c. 348,  
amended

**40.** *The Registry Act* is amended by adding thereto the following section:

When  
registered  
plan not  
signed by  
an owner  
becomes  
binding

- 91a.—(1) Where a parcel of land has been included in a registered plan of subdivision that was not signed by the owner of the parcel, and the parcel is subsequently described in a registered deed or other conveyance as being within the plan, the plan is as binding upon the grantee of the parcel and all persons claiming under him as if the plan had been signed by the owner of the parcel.

Saving

- (2) Subsection 1 does not affect the rights of a mortgagee whose mortgage was registered before the deed or other conveyance, mentioned in subsection 1, was registered.

R.S.O. 1960,  
c. 348, s. 92a  
(1964,  
c. 102, s. 25),  
amended

**41.**—(1) Section 92a of *The Registry Act*, as enacted by section 25 of *The Registry Amendment Act, 1964*, is amended by inserting after "block" in the second line "or adds to a plan land that was previously not included therein", so that subsection 1 of the said section shall read as follows:

Registration  
of amended  
plan

- (1) Where an amendment to a plan under section 91 or 92 alters the size or boundaries of any lot or block or adds to a plan land that was previously not included therein, the amendment does not take effect until a new plan of subdivision showing the amendments is registered with the amending order, and the provisions of this Act that apply to plans of sub-

**SECTION 39.** The amendment removes a conflict with present regulations, which provide for the use of plans instead of written descriptions in instruments.

**SECTION 40.** The new section is designed to resolve title problems arising out of absence of the signatures of owners whose lands have been included in registered plans of subdivision.

**SECTION 41—Subsection 1.** The amendment is designed to clarify the intent of the section.

Subsection 2. The new subsection makes it clear that the conditions relating to the amendment of a plan do not apply to the correction of erroneous measurements, etc., in a plan.

SECTION 42. Section 93, as re-enacted, omits a reference to plans of survey made before March 4, 1868, and to the cost of their registration.

Subsections 1 and 2 of the new section 93a are re-enactments of subsections 10 and 11 of section 94 of the Act (repealed by section 43 of the Bill) in revised form.

Subsections 3 and 4 of section 93a are self-explanatory.



division, and the provisions of *The Planning Act* R.S.O. 1960, c. 296 respecting the approval of plans of subdivision apply to the amended plan.

(2) The said section 92a is further amended by adding there- R.S.O. 1960, c. 348, s. 92a (1964, c. 102, s. 25), amended  
to the following subsection:

(2) This section does not apply to an order authorizing Saving  
a registrar to correct any erroneous measurement upon, or any error, defect or omission in, any registered plan, and, subject to the regulations under *The Certification of Titles Act*, the judge may, upon R.S.O. 1960, c. 48  
an application made to him by the registrar or by a municipal council or by a person to whom subsection 2 of section 91 applies and upon production of evidence satisfactory to the judge, and either upon giving such notice to interested parties as he deems appropriate or *ex parte*, make an order authorizing such corrections.

42. Section 93 of *The Registry Act* is repealed and the R.S.O. 1960, c. 348, s. 93, re-enacted  
following substituted therefor:

93. Where land has been sold in accordance with or by Un-registered plans of subdivision, etc.  
reference to surveys or subdivisions that so differ from the manner in which the land was surveyed or granted by the Crown that parcels so sold cannot be easily identified unless the plan is registered, the plan shall be registered if still in existence and procurable for registration.

93a.—(1) Where land in a municipality has been sold Municipal plans  
under surveys or subdivisions made in a manner that so differs from that in which the land was surveyed or granted by the Crown that the parcels sold cannot be easily identified, and the plan has not been registered, the council of the municipality may cause a plan of the land to be made and, with the approval of the Inspector endorsed thereon, registered, and the expenses of the preparation and registration of the plan may be paid in whole or in part by a special rate to be levied by assessment on the land comprised in the plan as described in a by-law to be passed for the purpose of levying such rate.

(2) A plan prepared under subsection 1 shall show such Designation of lots  
subdivisions of original lots as are shown by registered plans, and such as are not so shown but appear from the instruments relating to the land, with each



of the lots as shown on the new plan numbered or lettered in such a manner that they may be readily identified.

Plan to  
comply with  
regulations

- (3) A plan under this section shall be prepared and registered in accordance with the regulations.

Subsequent  
dealings

- (4) Where a plan is registered under this section,

(a) subject to section 90, an instrument affecting the land executed after the plan is registered, except an instrument registered under subsection 5 or 8 of section 20, shall not be registered unless it refers to the plan; and

(b) the plan is binding on all persons subsequently dealing with the land or any part thereof included in the plan or any interest in or concerning the same, but does not affect the rights or interests of any owner or other person entitled at or before the date of registration.

R.S.O. 1960,  
c. 348, s. 94,  
repealed

**43.**—(1) Section 94 of *The Registry Act*, as amended by subsection 1 of section 26 of *The Registry Amendment Act, 1964*, is repealed.

Saving

(2) Notwithstanding subsection 1, the said section 94 continues to apply to any plan registered, ordered to be registered or in the course of preparation for registration before this section comes into force.

R.S.O. 1960,  
c. 348, s. 94a  
(1962-63,  
c. 102, s. 27),  
amended

**44.** Section 94a of *The Registry Act*, as enacted by section 27 of *The Registry Amendment Act, 1964* and amended by section 7 of *The Registry Amendment Act, 1965*, is further amended by adding thereto the following subsection:

Subsequent  
dealings

- (11) Subject to section 90, where a plan is registered under this section, an instrument affecting the land executed after the plan is registered, except an instrument registered under subsection 5 or 8 of section 20, shall not be registered unless it refers and conforms to the plan.

R.S.O. 1960,  
c. 348, s. 96  
(1962-63,  
c. 124, s. 37),  
subs. 1,  
cl. b,  
amended

**45.** Clause *b* of subsection 1 of section 96 of *The Registry Act*, as re-enacted by section 37 of *The Registry Amendment Act, 1962-63*, is amended by striking out "more than ten acres" in the first and second lines and inserting in lieu thereof "ten acres or more", so that the clause shall read as follows:

SECTION 43—Subsection 1. The permissive provisions in the repealed subsection 10 and related provisions in subsections 11 and 16 of section 94 have been re-enacted as section 93a by section 42 of the Bill. The repealed subsection 1 of section 94 authorized the Inspector of Legal Offices to order a municipality to have plans prepared and registered in certain circumstances, and the following related subsections, *inter alia*, provided a penalty for default. These provisions have not been re-enacted.

Subsection 2. Self-explanatory.

SECTION 44. The amendment requires instruments affecting land subdivided by a Judge's Plan to refer thereto.

SECTION 45. Subsection 1 of section 96 of the Act provides for the designation of subdivision plan areas. Clause *b* of that subsection allows for the registration of a deed of a part of a parcel of land without a plan of subdivision being required. The amendment brings the clause into line with a similar provision in section 26 of *The Planning Act*, which relates to subdivision control by-laws.

SECTION 46. The new subsection 4 is a re-enactment of subsection 1 of section 113 of the Act in a more appropriate place. Section 107 requires every registrar to make an annual return to the Inspector, accounting for all revenue and expenditures. See section 47 of this Bill.

SECTION 47. The repealed section 109 of the Act established the formula, referred to as "the percentages", for the remuneration of registrars and also provided that the Lieutenant Governor in Council could fix their remuneration.

Every registrar is now entitled to retain such a fixed remuneration from his office revenue, other than registrars in the provisional judicial districts who are paid by the Province.

The references to "percentages" have thus become obsolete, and sections 109, 110, 111, 113 and 114 of the Act are re-enacted in order to delete the obsolete references and to improve the sequence of the subject-matter.

The manner provided by the new subsection 1 of section 112 of the Act for fixing the remuneration of registrars is similar to that now applicable to other provincial Crown employees.

(Section 112 of the Act was repealed by section 43 of *The Registry Amendment Act, 1962-63.*)

Sections 115 and 116 of the Act are repealed as obsolete. Section 115 applied when a registrar ceased to hold office, and section 116 provided that certain revenue could be retained by the registrar.

- (b) unless the land described is ten acres or more in area and the unaffected remnant, if any, remaining in the owner is also ten acres or more; or

**46.** Section 107 of *The Registry Act*, as re-enacted by section 40 of *The Registry Amendment Act, 1962-63*, is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 348, s. 107  
(1962-63,  
c. 124, s. 40),  
amended

- (4) Every registrar, other than a registrar in a provincial judicial district, shall transmit to the treasurer of the county or city for which or for part of which he is registrar a duplicate of his annual return on or before the 31st day of January of the year next following the year in respect of which it is made.

Duplicate  
return

**47.** *The Registry Act* is amended by repealing,

R.S.O. 1960,  
c. 348,  
ss. 109-111,  
113, 114,  
re-enacted;  
s. 115, s. 116  
(1962-63,  
c. 124, s. 45),  
repealed

- (a) section 109, as amended by section 42 of *The Registry Amendment Act, 1962-63*;

- (b) sections 110 and 111;

- (c) section 113, as amended by section 44 of *The Registry Amendment Act, 1962-63* and section 30 of *The Registry Amendment Act, 1964*;

- (d) sections 114 and 115; and

- (e) section 116, as re-enacted by section 45 of *The Registry Amendment Act, 1962-63*,

and substituting therefor the following:

109. Every registrar shall, on or before the 7th day of January in each year, transmit to the head of any municipality to which he has made payments in accordance with section 113 during the next preceding year a statement signed by him showing the amounts so paid and the dates of payment, and the head of the municipality receiving the statement shall cause it to be laid before the auditors when auditing the accounts of that year, and shall also read it at the first meeting of the council held after its receipt.

Registrars  
to send  
statement  
of amounts  
paid to  
head of  
municipality

110. In sections 111, 112, 113 and 119,

Interpre-  
tation

- (a) "disbursements" includes salaries, wages and employment benefits;



- (b) "surplus fees" means the excess of all fees and emoluments received during the calendar year, including fees received under *The Land Titles Act* by a registrar who is also a master of titles, after deducting the disbursements incidental to the business of his office.

R.S.O. 1960,  
c. 204

Registrars  
in the  
districts

111. A registrar in a provisional judicial district shall pay monthly to the Treasurer of Ontario the excess of his gross income, including income earned by him as master of titles, over the disbursements authorized under section 119 and shall forward every such payment to the Inspector, together with a monthly return in such form as is approved by the Inspector.

Salaries

- 112.—(1) The Lieutenant Governor in Council shall, by order in council, prescribe the manner in which the salaries of registrars shall be established.

Idem

- (2) Where it appears by the report of the Inspector that in any year a registrar or an officer holding the office of registrar and master of titles has derived from the fees and emoluments of his office, after deducting necessary disbursements, an income that is less than his fixed annual salary, there shall be paid to such registrar or officer, out of the Consolidated Revenue Fund, an amount sufficient to make up the income for the year to his fixed annual salary.

Registrar  
to pay  
surplus fees  
to treasurer  
R.S.O. 1960,  
c. 204

- 113.—(1) Subject to subsections 2 and 3 and to section 5b of *The Land Titles Act*, every registrar shall pay to the treasurer of the county or city for which or for part of which he is registrar the surplus fees of his office.

How  
computed  
in certain  
cases

- (2) Where a registry division includes a county or part of a county and a city or town separated from the county for municipal purposes, the surplus fees shall be paid to the treasurer of the county and to the treasurer of the city or town for the use of each municipality in the proportions in which the fees are derived from registrations in respect of land situate in the county and in the city or town respectively.

Division  
of surplus  
fees under  
subs. 2

- (3) Notwithstanding subsection 2, the Inspector may, in respect of any registry division, direct that the fees payable to the county and to a city or town shall be computed,





SECTION 48. Section 117 of the Act provides for the inspection of the accounts of a registry office by the officials of a municipality that is entitled to a portion of the office revenue. The amendment is complementary to section 47 of this Bill, which removes from the Act other references to percentages.

SECTION 49. The minimum penalty for alteration of registry records is increased from \$5 to \$50.

SECTION 50. Subsection 1 of section 126 of the Act provides that the Lieutenant Governor in Council may make regulations. The new clause is similar to section 79*b* of *The Land Titles Act* and is self-explanatory.

SECTION 51—Subsection 1. Subsection 1 is re-enacted to omit a reference to the deposit index, which is no longer in use. The new subsection 1*a* provides for the numbering of deposited documents.

- (a) in the proportion that the number of instruments affecting land in the county bears to those affecting land in the city or town; or
- (b) upon the joint application of the county and of the city or town, in the proportions requested in the application.
- (4) The registrar shall pay 70 per cent of the surplus fees in accordance with this section on or before the 31st day of January of the year next following the year in which the fees were received and shall pay the balance when the Inspector notifies the registrar that his annual return has been audited and found to be correct, or on the 31st day of March of the same year, whichever occurs first. When payment to be made
114. Section 109, subsection 2 of section 112 and section 113 do not apply to a registrar in a provisional judicial district. Exception
48. Section 117 of *The Registry Act* is amended by striking out "or percentage" in the fifth line. R.S.O. 1960, c. 348, s. 117, amended
49. Section 125 of *The Registry Act* is amended by striking out "\$5" in the eleventh line and inserting in lieu thereof "\$50". R.S.O. 1960, c. 348, s. 125, amended
50. Subsection 1 of section 126 of *The Registry Act*, as re-enacted by section 48 of *The Registry Amendment Act, 1962-63* and amended by section 32 of *The Registry Amendment Act, 1964*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 348, s. 126 (1962-63, c. 124, s. 48), subs. 1, amended
- (na) requiring, in connection with an instrument presented for registration, proof of compliance with any law that if not complied with might detrimentally affect the title or interest of a person claiming title or an interest under the instrument, and governing the form and manner of presentation of such proof.
- 51.—(1) Subsection 1 of section 130 of *The Registry Act*, as enacted by section 33 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 130 (1964, c. 102, s. 33), subs. 1, re-enacted
- (1) Upon receiving the requisition under section 129 and the documents therein mentioned, the registrar shall cause the word "deposited" with the date and deposit number to be endorsed on the requisition. Numbering, etc.

Idem

- (1a) Deposits shall be numbered consecutively in order of time of receipt, in accordance with subsections 1 and 5 of section 54, as though they were instruments or a separate class of instruments.

R.S.O. 1960,  
c. 348, s. 130  
(1964,  
c. 102, s. 33),  
subs. 3,  
amended

- (2) Subsection 3 of the said section 130 is amended by adding at the end thereof "and, where the deposit refers to only a part of a lot, the entry in the abstract index shall include a reference to the part of the lot", so that the subsection shall read as follows:

Entry in  
abstract  
index

- (3) Where a deposit refers to a lot or parcel of land, the registrar shall enter in red ink in the abstract index against each such lot or parcel the words "See Deposit No. . . .", and, where the deposit refers to only a part of a lot, the entry in the abstract index shall include a reference to the part of the lot.

R.S.O. 1960,  
c. 348, s. 130  
(1964,  
c. 102, s. 33),  
subs. 4,  
re-enacted

- (3) Subsection 4 of the said section 130 is repealed and the following substituted therefor:

Recording

- (4) The registrar shall record every document deposited under this Part at full length by means of photographic film reproduction.

R.S.O. 1960,  
c. 348,  
amended

- 52.** *The Registry Act* is amended by adding thereto the following Part:

### PART III

#### INVESTIGATION OF TITLES

Interpre-  
tation

#### 133. In this Part,

- (a) "claim" means a right, title, interest, claim or demand of any kind or nature whatsoever affecting land set forth in, based upon or arising out of a registered instrument, and, without limiting the generality of the foregoing, includes mortgages, liens, easements, agreements, contracts, options, charges, annuities, leases, dower rights whether inchoate or otherwise, and restrictions as to the use of land or other encumbrances affecting land;
- (b) "owner" means a person, other than a lessee or a mortgagee, entitled to a freehold or other estate or interest in land at law or in equity, in possession, in futurity or in expectancy.

Subsection 2. The amendment is designed to minimize the number of deposits that a person searching titles will be required to examine.

Subsection 3. The subsection is re-enacted to omit a reference to the "registry book", which is no longer in use.

SECTION 52. The provisions of *The Investigation of Titles Act* are transferred to *The Registry Act* in revised form. No major amendment to this legislation has been made since 1929.





134. A person dealing with land shall not be required to show that he is lawfully entitled to the land as owner thereof through a good and sufficient chain of title during a period greater than the forty years immediately preceding the date of such dealing, except in respect of claims referred to in subsection 2 of section 135.

Title  
shown for  
40 years

135.—(1) A claim that has been in existence for longer than forty years does not affect land to which this Act applies unless the claim has been acknowledged or specifically referred to or contained in an instrument or a notice under this Part or under *The Investigation of Titles Act*, being chapter 193 of the Revised Statutes of Ontario, 1960 or any predecessor thereof, registered against the land within the forty-year period.

Expiry of  
claims

(2) Subsection 1 does not apply to,

Exceptions

- (a) a claim of the Crown reserved by letters patent or a claim of the Crown in unpatented land or in land for which letters patent have been issued, but which has reverted to the Crown by forfeiture or cancellation of the letters patent, or in land that has otherwise reverted to the status of unpatented Crown land;
- (b) a claim of the Crown or of a municipality in respect of any public highway or lane;
- (c) a wife's claim to an inchoate right to dower in land while her husband is wholly or in part the owner thereof;
- (d) a claim to an unregistered right-of-way or other easement or right that a person is openly enjoying and using;
- (e) a claim to a freehold estate in land or an equity of redemption therein by a person shown by the abstract index for the land as being so entitled prior to any forty-year period and continuously shown by the abstract index for the land during the forty-year period and thereafter as being so entitled; or

(f) any claim imposed by a statutory enactment.

Idem

(3) For the purposes of subsection 1,

- (a) a wife's claim to an inchoate right to dower in land shall be deemed to be acknowledged in an instrument by which her husband alienates the land; and
- (b) an instrument, the entry of which has been marked off the abstract index under section 73, shall be deemed not to have been registered.

Registration  
of notice  
of claim

136.—(1) A person having a claim against land that is not barred under section 135 or a person on his behalf may register in the proper registry office a notice, which shall set forth the claimant's full name and address, a local description of the land and a detailed statement of the claim verified by the affidavit of the person registering the notice.

Idem

(2) Notwithstanding subsection 1 of section 135 and subsection 1 of this section, a notice of a claim that has expired by virtue of the operation of subsection 1 of section 135 may be registered under subsection 1 of this section if there has been no intermediate registered dealing with the land, and such registration has the same effect as if done within the time limited by subsection 1 of section 135.

Registration  
not to  
validate  
expired  
claim

(3) The registration of a notice under subsection 1 does not validate a claim that has otherwise expired.

Part  
to prevail  
over other  
provisions

137. Where there is any conflict between the provisions of this Part and those of any other Act or any regulation made thereunder or any rule of law, the provisions of this Part prevail.

1964, c. 102,  
ss. 8, 34,  
repealed

**53.** Sections 8 and 34 of *The Registry Amendment Act, 1964* are repealed.

Validity  
of prior  
registrations  
not affected

**54.** Except as provided in,

- (a) section 31 of *The Registry Act*, as re-enacted by section 8 of this Act;
- (b) section 70a of *The Registry Act*, as enacted by section 30 of this Act;

SECTION 53. These sections of the 1964 amendments were not proclaimed. They are included in this Bill in amended form as sections 30 and 52.

SECTION 54. Self-explanatory.





(c) section 80 of *The Registry Act*, as amended by section 35 of this Act; and

(d) sections 133, 134, 135, 136 and 137 of *The Registry Act*, as enacted by section 52 of this Act,

no provision of *The Registry Act* effected by this Act affects the validity or legal consequence, as the case may be, of the registration of any instrument that was registered before such provision came into force.

**55.**—(1) This Act, except sections 1 to 18, 20 to 45 and 49 to 54, comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

(2) Section 18 shall be deemed to have come into force on the 1st day of July, 1964. <sup>Idem</sup>

(3) Sections 5, 8, 9, 30, 35, 36 and 52 come into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Idem</sup>

(4) Sections 1 to 4, 6, 7, 10 to 17, 20 to 29, 31 to 34, 37 to 45, 49 to 51, 53 and 54 come into force on the 1st day of January, 1967. <sup>Idem</sup>

**56.** This Act may be cited as *The Registry Amendment Act*, 1966. <sup>Short title</sup>

An Act to amend The Registry Act

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*1st Reading*

April 22nd, 1966

*2nd Reading*

May 6th, 1966

*3rd Reading*

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MR. WISHART

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*(Reprinted as amended by the Committee  
on Legal Bills and Labour)*

# BILL 97

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## An Act to amend The Registry Act

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MR. WISHART

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*(Reprinted as amended by the Committee of the Whole House)*

#### EXPLANATORY NOTES

This Bill is intended to be the final Bill in a series designed to modernize *The Registry Act*. It is anticipated that no further amendments will be made until the Act is completely re-enacted during a subsequent session.

SECTION 1. The definition section is re-enacted to renumber the clauses. The definitions of "county" and "power of attorney" are not required and have been omitted. "Instrument", "plan of subdivision" and "will" have been redefined, and "letters probate" and "notarial" are new.

## An Act to amend The Registry Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Registry Act*, as amended by section 1 of *The Registry Amendment Act, 1962-63* and section 1 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor:

Interpre-  
tation

1. In this Act,

- (a) "certificate of amalgamation of loan corporations" includes a copy certified under the hand of the Registrar of Loan and Trust Corporations of the certificate of assent and declaration referred to in section 102 of *The Loan and Trust Corporations Act* and of any document mentioned in such certificate and a certificate issued for the purpose of registration under any Act of the Legislature authorizing or ratifying an agreement for the purchase and sale of the assets, or for the amalgamation of loan corporations; R.S.O. 1960,  
c. 222
- (b) "Inspector" means the Inspector of Legal Offices appointed under *The Judicature Act*; R.S.O. 1960,  
c. 197
- (c) "instrument" includes every instrument whereby land in Ontario may be transferred, disposed of, charged, encumbered or affected in any other way, and, without limiting the generality of the foregoing, includes any instrument mentioned in subsection 8 of section 20 and a Crown grant of Canada and of Ontario, a deed, conveyance, mortgage, notice of sale by a mortgagee, assignment of mortgage, certificate of discharge of mortgage, assurance, lease, bond, release, dis-



R.S.O. 1960,  
c. 106

charge, agreement for the sale or purchase of land, caution under *The Devolution of Estates Act* or renewal or withdrawal thereof, municipal by-law, certificate of proceedings in any court, judgment or order of foreclosure and every other certificate of judgment or order of any court affecting any interest in or title to land, and a certificate of payment of taxes granted under the corporate seal of any municipality by the treasurer, a sheriff's and treasurer's deed of land sold by virtue of his office, a contract in writing, every order and proceeding in bankruptcy and insolvency, a plan of a survey or subdivision of land, and every notice, caution and other instrument registered in compliance with an Act of Canada or Ontario;

- (d) "land" includes lands, tenements, hereditaments and appurtenances and any estate or interest therein;
- (e) "letters probate" includes letters testamentary or a similar grant based on a will proven before a court having jurisdiction in probate matters outside Ontario;
- (f) "local description" means a description of land drawn in accordance with the regulations;
- (g) "notarial" includes prothonotarial;
- (h) "photographic film" includes any photographic plate, microphotographic film or photocopy negative;
- (i) "plan of subdivision" means a plan by which the owner of land divides the land into areas designated on the plan, but does not include a plan under *The Cemeteries Act* or *The Expropriation Procedures Act, 1962-63*;
- (j) "prescribed" means prescribed by this Act or the regulations;
- (k) "registered" means registered under this Act;
- (l) "regulations" means the regulations made under this Act;

R.S.O. 1960,  
c. 47  
1962-63,  
c. 43



SECTION 2. The references to "vaults" have been omitted.

SECTION 3. Self-explanatory.

(m) "surveyor" means a surveyor as defined in *The Surveyors Act*; R.S.O. 1960, c. 389

(n) "will" means a will as defined in *The Wills Act*. R.S.O. 1960, c. 433

2.—(1) Subsection 1 of section 6 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 6, subs. 1, re-enacted

(1) For the safe-keeping and protection of all books, records, memorials, documents, instruments and plans in the custody of the registrar, the council of every county, where at any time there are no safe and proper fire-proof offices provided by the council or where any registry office is established or where under section 5 the Lieutenant Governor in Council has directed a change of site, shall provide, furnish, maintain and keep in good repair a safe and fire-proof registry office upon a plan and on a site to be approved by the Lieutenant Governor in Council, and the council shall keep the registry office in good repair, furnished with fuel and furniture and properly heated, lighted, cleaned and ventilated. County councils to provide fire-proof offices

(2) Subsection 3 of the said section 6 is amended by striking out "sections 109 and 113" in the fifth line and inserting in lieu thereof "section 113", by striking out "the vault of" in the seventh and eighth lines and by striking out "vault" in the ninth line and inserting in lieu thereof "registry office", so that the subsection shall read as follows: R.S.O. 1960, c. 348, s. 6, subs. 3, amended

(3) Except where otherwise provided in this Act, the Inspector may in writing authorize the registrar under the direction of an architect named by the Inspector to expend out of the proportion of the fees to which the county or city may then or thereafter be entitled under section 113 so much as may be deemed by the Inspector to be necessary in providing adequate fire-proof or metal fittings for the registry office or for the proper heating and ventilation of the registry office, and the amount so expended, including the architect's charge, shall be certified by the Inspector, and his certificate or a duplicate thereof shall be transmitted by the registrar to the treasurer of the county or city, and is a discharge to the registrar of the amount so certified, as against the proportion of the fees then payable or to become thereafter payable by him. Registrar to provide fire-proof or metal fittings, when directed by Inspector

3. Section 12 of *The Registry Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 348, s. 12, amended

Senior  
deputy

- (1a) Where a registrar has more than one deputy, he shall, with the approval of the Inspector, designate one of the deputies as his senior deputy.

R.S.O. 1960,  
c. 348, s. 17  
(1962-63,  
c. 124, s. 6),  
amended

4. Section 17 of *The Registry Act*, as re-enacted by section 6 of *The Registry Amendment Act, 1962-63*, is amended by adding thereto the following subsection:

Effect of  
abstract

- (7) An abstract furnished by a registrar under this section is *prima facie* evidence of the registration of the instruments of which extracts are included in the abstract.

R.S.O. 1960,  
c. 348, s. 20,  
subs. 1,  
re-enacted

- 5.—(1) Subsection 1 of section 20 of *The Registry Act* is repealed and the following substituted therefor:

Treasurer  
to provide  
books, etc.

- (1) The treasurer of every county and the treasurer of every city for which there is a separate registry office shall on the written request of the registrar provide and pay for all books and indexes required for the business of the registry office.

R.S.O. 1960,  
c. 348, s. 20,  
subs. 3, 4,  
repealed

- (2) Subsections 3 and 4 of the said section 20 are repealed.

R.S.O. 1960,  
c. 348, s. 20,  
subs. 7,  
repealed

- (3) Subsection 7 of the said section 20 is repealed.

R.S.O. 1960,  
c. 348, s. 20,  
subs. 8  
(1962-63,  
c. 124, s. 7,  
subs. 3),  
subs. 9-11,  
re-enacted

- (4) Subsection 8, as re-enacted by subsection 3 of section 7 of *The Registry Amendment Act, 1962-63* and amended by section 6 of *The Registry Amendment Act, 1964*, and subsections 9, 10 and 11 of the said section 20 are repealed and the following substituted therefor:

General  
registrations

- (8) The following instruments when received for registration shall be registered as general registrations and, except as otherwise provided in this Act, shall not be recorded in the abstract index:

1. Wills.
2. Letters probate.
3. Letters of administration.
4. General appointments of new trustees.
5. Certificates or certified or notarial copies of judgments or of court orders appointing or removing executors, administrators, guardians or trustees.



SECTION 4. The effect of a registrar's abstract is clarified.

SECTION 5—Subsections 1 and 2. References to registry books, which are no longer used, are deleted. The General Register Index is now required by the new subsection 9 of section 20.

Subsections 3 and 4. Complementary to section 35 of this Bill. The repealed subsection 7 is replaced by the new subsection 10 of section 20. Subsection 8 is re-enacted for purposes of clarification. A general register book is no longer kept; general registrations are now microfilmed and indexed under the new subsection 9 of section 20. Items 8, 12, 16 and 17 of subsection 8 are new. The present item 15 has been omitted. Subsection 9 is repealed as the subject-matter is now dealt with in the new subsection 1 of section 20. Subsection 11 is obsolete and is therefore repealed. The new subsections 9 and 11 are the former subsections 7 and 10 in revised form.



6. General certificates of payment of succession duties under *The Succession Duty Act*. R.S.O. 1960,  
c. 386
  7. Certificates or certified or notarial copies of orders made under *The Mental Incompetency Act*. R.S.O. 1960,  
c. 237
  8. Certificates under section 19 of *The Change of Name Act*. R.S.O. 1960,  
c. 49
  9. Powers of attorney or revocations thereof.
  10. General bars of dower.
  11. Orders in council of Canada or Ontario, or certified copies thereof, not containing local descriptions.
  12. Notarial copies of letters patent of incorporation or of supplementary letters patent.
  13. Notarial copies of letters patent changing names of corporations or amalgamating corporations.
  14. Notarial copies of certificates of amalgamation of loan or trust corporations.
  15. Notarial copies of licences in mortmain.
  16. Notarial copies of extra-provincial licences under Part IX of *The Corporations Act*. R.S.O. 1960,  
c. 71
  17. Plan Documents under subsection 9 of section 86.
  18. Claims for lien under *The Mechanics' Lien Act* against land that constitutes the line of railway or right-of-way of a railway company. R.S.O. 1960,  
c. 233
- (9) Every registrar shall keep an alphabetical index in the prescribed form of all general registrations, to be known as the "General Register Index". General  
Register  
Index
- (10) The Inspector may, by written direction, require a registrar to prepare and maintain a separate alphabetical index for any class of general registrations. Separate  
index

Books, etc.,  
Crown  
property

- (11) All books, indexes, photographic film reproductions and other records used and kept in and for the purposes of a registry office are the property of the Crown.

R.S.O. 1960,  
c. 348, s. 25,  
re-enacted

6. Section 25 of *The Registry Act* is repealed and the following substituted therefor:

Registrar  
removed or  
resigning to  
deliver up  
books to  
new  
registrar,  
etc.

25. Where a registrar is removed from or resigns his office, he shall forthwith deliver up all books, plans, instruments, memorials, indexes and photographic film reproductions thereof in his custody as registrar to the person who is appointed registrar in his stead or to any other person who is appointed in writing by the Attorney General to receive them, and, if the registrar refuses to do so, the Attorney General may direct the sheriff of the county to seize and take immediate possession of them wheresoever found.

R.S.O. 1960,  
c. 348, s. 26,  
subs. 1  
(1962-63,  
c. 124, s. 9,  
subs. 1),  
subs. 2, 3,  
re-enacted

7. Subsection 1, as re-enacted by subsection 1 of section 9 of *The Registry Amendment Act, 1962-63*, and subsections 2 and 3 of section 26 of *The Registry Act* are repealed and the following substituted therefor:

Preserva-  
tion of  
abstract  
books, etc.

- (1) It is the duty of every registrar to preserve the abstract index books and other records of his office in good repair.

Copying  
and repair  
of books,  
etc.

- (2) A registrar may, when he deems it necessary, and shall, when so directed by the Inspector, cause,

(a) any book that is becoming obliterated or unfit for further use to be manually or mechanically copied or reproduced and, where portions of the entries in the book are missing, obliterated or cannot be deciphered, the missing details to be obtained, so far as possible, by examination of the instruments relating thereto and incorporated in the copy;

(b) plans and maps to be copied, repaired, restored, mounted, bound or otherwise preserved; and

(c) any book to be repaired,

in a manner approved by the Inspector.

Copy to be  
certified

- (3) Where a book is copied or reproduced under clause a of subsection 2, the registrar shall certify the correctness of the copy.

SECTION 6. The section is re-enacted for purposes of clarification. The penalty is omitted as section 283 of the *Criminal Code* (Canada) covers this offence.

SECTION 7. The amendments are for purposes of clarification. The repealed subsections 1 and 3 required registrars to repair books only on the Inspector's direction; the obligation is now placed on the registrars. The repealed subsection 2 has been re-enacted in revised form as subsection 3a.



SECTION 8. Subsection 1 of section 31 is re-enacted for purposes of clarification. Subsection 2 of section 31 replaces in part subsection 1 of section 47. See section 15 of this Bill. Subsections 3 and 4 of section 31 replace subsection 7 of section 33 of the Act. See section 9 of this Bill. Subsection 5 of section 31 is new and is self-explanatory.

- (3a) The certificate of a registrar under subsection 3 is, <sup>Effect of certificate</sup> to the extent specified in the certificate, *prima facie* evidence that the copy is a true copy of the original book, and such certified copy shall be accepted and received as the original, but the registrar shall nevertheless carefully preserve the original book and produce it upon demand.

8. Section 31 of *The Registry Act* is repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 348, s. 31, re-enacted</sup>

- 31.—(1) Except as otherwise provided in and subject <sup>Instruments that may be registered</sup> to this Act and the regulations, any instrument within the meaning of clause c of section 1 and any other instrument specifically permitted to be registered under Part I of this Act may be registered.

- (2) Unless otherwise provided in this Act, any instrument <sup>Delivery of instruments to registrar</sup> that may be registered shall be registered upon and by delivery to and deposit with the registrar of the instrument or of an executed duplicate or other original part thereof with all necessary affidavits.

- (3) Subject to subsection 4, the registration of an instrument purporting to affect unpatented Crown <sup>Un-patented Crown land</sup> land has no effect under this Act.

- (4) Subsection 3 does not apply, <sup>Exceptions</sup>

(a) to a mortgage or other encumbrance made by the original nominee of the Crown or by a person through whom a person obtaining a grant of land from the Crown derived title, or to a lien affecting the land;

(b) to a plan of Crown land made under *The Highway Improvement Act*, *The Public Lands Act* or any other Act of Ontario; <sup>R.S.O. 1960, cc. 171, 324</sup>

(c) to a lease of Crown land or of an interest therein or of any interest of the Crown in land under *The Mining Act* or *The Public Lands Act*; <sup>R.S.O. 1960, cc. 241, 324</sup>

(d) in the case of an instrument purporting to affect land, which when the instrument was registered was unpatented Crown land, if,

(i) a patent of the land is subsequently registered, or

(ii) a notice, which was issued by any competent governmental authority, in existence before or after the creation of the Province of Ontario, and which stated that the land was patented, is recorded in the registry office; or

(e) to an instrument affecting land that was unpatented Crown land at the time of registration of the instrument, where the instrument,

(i) was registered in compliance with an Act of Ontario, or

(ii) was registered as contemplated by an Act of Ontario and the instrument was either executed or approved on behalf of the Crown by a Minister or other person authorized by law so to do.

Water lots,  
etc.

(5) An instrument purporting to affect land covered by water shall not be registered unless the registry division in which the land is situate can be readily ascertained from the instrument.

R.S.O. 1960,  
c. 348, s. 33,  
re-enacted

9. Section 33 of *The Registry Act*, as amended by section 10 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor:

When local  
description  
required

33.—(1) An instrument that does not contain a local description of the land affected thereby shall not be registered, unless

(a) the instrument is a plan;

(b) the instrument is to be registered as a general registration under subsection 8 of section 20;

(c) the instrument is a by-law that does not directly affect title to land

(d) the instrument is a certificate of discharge purporting to completely discharge a mortgage to which subsection 5 of section 65 does not apply;

(e) the instrument has securely attached to it a declaration in the prescribed form made by a party to the instrument or by his solicitor,

SECTION 9. Section 33 is re-enacted and clarified. The provision prohibiting registration of instruments dealing with unpatented Crown land is deleted as it is included in section 8 of the Bill.

The new section 33a is designed to ensure that a conveyance of an easement will be recorded in the abstract index for the servient tenement. The courts have held that an easement is enforceable even though the instrument by which it is conveyed is recorded only in the abstract index for the dominant tenement.

SECTION 10. The subsection is obsolete and is therefore repealed. It provided that an instrument made before the 1st day of September, 1910, could be registered, although not accompanied by supporting affidavits that were required after that date.

SECTION 11. The section is re-enacted for purposes of clarification.



or by his attorney under registered power of attorney, or by the heirs, executors or administrators of a party to the instrument, or, where the party is a corporation, by an officer thereof, stating that the instrument affects land within the registry division, and containing a local description; or

- (f) the instrument is a judgment or order of the court or of a judge, or a certificate or certified or notarial copy of such judgment or order, and has securely attached to it a declaration in the prescribed form, made by one of the parties to the action or by his solicitor, stating that the instrument affects land within the registry division, and containing a local description.

- (2) A registered instrument may be recorded or further <sup>Idem</sup> recorded in the abstract index upon the registration of a declaration in the prescribed form made by any of the persons mentioned in clauses *e* and *f* of subsection 1.

33a.—(1) In this section, “easement” means an easement, <sup>Interpre-</sup> right-of-way, right or licence in the nature of an easement, *profit à prendre* or other incorporeal hereditament, but does not include such an easement arising by operation of law.

- (2) Notwithstanding section 15 of *The Conveyancing and Law of Property Act* or any rule of law, an <sup>Easements, etc.</sup> instrument purporting to convey an easement, made <sup>R.S.O. 1960, c. 66</sup> after the day on which this section comes into force, does not, as against a *bona fide* purchaser who, for valuable consideration and without actual notice, purchases the servient tenement after the registration of the instrument, convey to the grantee any interest in the easement unless a local description of the affected part of the servient tenement is contained in the instrument by which the conveyance is made.

10. Subsection 4 of section 34 of *The Registry Act* is <sup>R.S.O. 1960, c. 348, s. 34, subs. 4, repealed</sup> repealed.

11. Section 37 of *The Registry Act* is repealed and the <sup>R.S.O. 1960, c. 348, s. 37, re-enacted</sup> following substituted therefor:

Affirmation  
or declara-  
tion in  
certain  
cases  
R.S.O. 1960,  
c. 125

37. Where under this Act proof for registration is required in the form of an affidavit, the proof may be in the form of an affirmation or solemn declaration complying with section 18 or 43 of *The Evidence Act*, respectively.

R.S.O. 1960,  
c. 348, s. 40  
(1962-63,  
c. 124, s. 16),  
re-enacted

- 12.** Section 40 of *The Registry Act*, as re-enacted by section 16 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Judge may  
dispense  
with  
affidavit  
of witness

40. Where an instrument that is otherwise capable of registration is not accompanied by an affidavit of execution as required by this Act or is accompanied by an incomplete or defective affidavit of execution, any person who is or claims to be interested in the registration of the instrument may make proof before a judge of any county or district court of the execution of the instrument, and, where a certificate in the prescribed form is endorsed on the instrument and signed by the judge, the certificate shall be received in lieu of the affidavit.

R.S.O. 1960,  
c. 348, s. 42  
(1962-63,  
c. 124, s. 17),  
subs. 1,  
amended

- 13.**—(1) Subsection 1 of section 42 of *The Registry Act*, as re-enacted by section 17 of *The Registry Amendment Act, 1962-63* and amended by section 14 of *The Registry Amendment Act, 1964*, is further amended by striking out "or" at the end of clause *a* and by adding thereto the following clauses:

- (c) the original judgment or order under the seal of the court; or
- (d) a notarial copy of the original judgment or order, certified copy or certificate, if the original judgment or order, certified copy or certificate is produced to the registrar with the notarial copy for verification of the correctness of the notarial copy.

R.S.O. 1960,  
c. 348, s. 42  
(1962-63,  
c. 124, s. 17),  
amended

- (2) The said section 42 is amended by adding thereto the following subsection:

Number of  
mechanic's  
lien to be  
included in  
order dis-  
charging,  
etc.

R.S.O. 1960,  
c. 233

- (3) After the 1st day of January, 1967, an order discharging a mechanic's lien or vacating a certificate of action under *The Mechanics' Lien Act* shall be registered by registering the order or a certificate thereof, under the seal of the court, that includes a local description and a reference to the registration number of every registered claim for lien and certificate of action affected thereby.

R.S.O. 1960,  
c. 348, s. 45,  
re-enacted

- 14.** Section 45 of *The Registry Act* is repealed and the following substituted therefor:

**SECTION 12.** The section is re-enacted to permit a judge to deal with incomplete or defective affidavits.

**SECTION 13—Subsection 1.** The amendments permit the registration of original judgments or orders, or notarial copies thereof.

**Subsection 2.** Self-explanatory.

**SECTION 14.** The section is re-enacted to increase the number of instruments on which addresses are required.

**SECTION 15.** The subject-matter of the repealed section 47 is dealt with by sections 8 and 21 of this Bill and by sections 55 and 85 of the Act.

**SECTION 16.** The section as re-enacted omits the present subsection 1 of section 48 of the Act, which is obsolete, as all registry offices now have microfilm equipment. The present subsection 3 is re-enacted as subsection 1, and the present subsection 2 is re-enacted as subsection 2 with the omission of a reference to the registry book.



45. A registrar shall not register,

Address of  
grantee to  
be endorsed  
on certain  
instruments

- (a) a deed or other conveyance;
- (b) an agreement for the sale or purchase of land, or an assignment thereof;
- (c) a mortgage, or an assignment thereof;
- (d) a lease, or an assignment thereof, or a notice of a lease or assignment of a lease;
- (e) a claim for a mechanic's lien, or an assignment thereof;
- (f) a notice of a conditional sale contract, or an assignment thereof;
- (g) a certificate of judgment or a final order of foreclosure of a mortgage; or
- (h) a vesting order,

unless there is endorsed on such instrument the place of residence or address for service of each person obtaining or claiming an interest in or in respect of land under the instrument.

15. Section 47 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348, s. 47,  
repealed

16. Section 48 of *The Registry Act*, as re-enacted by section 16 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 348, s. 48  
(1964,  
c. 102, s. 16),  
re-enacted

48.—(1) A final order of foreclosure or an instrument purporting to be a conveyance of land under power of sale contained in an unregistered mortgage or a mortgage that has not been recorded in full shall not be registered until the mortgage and any assignment thereof have been duly registered and recorded in full under subsection 2, and a notation of the date of such recording shall be made in the abstract index opposite the entry of the mortgage and assignment, if any.

When  
mortgage  
to be  
recorded  
in full

- (2) Where a mortgage has not been recorded in full, the registrar, upon the application of any person claiming to be interested in the mortgaged land and upon payment of the prescribed fees, less the amount already paid for the registration of the mortgage, shall cause the mortgage to be recorded in full by means of photographic film reproduction.

Idem



R.S.O. 1960,  
c. 348, s. 51,  
repealed

17. Section 51 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348, s. 52,  
re-enacted

18.—(1) Section 52 of *The Registry Act*, as amended by section 17 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor:

Affidavit  
as to age

52.—(1) A deed, conveyance, mortgage, assignment of mortgage, discharge of mortgage, lease, assignment of lease, release or quit claim shall not be registered unless there is made on or securely attached to it an affidavit by each person or one of the persons, other than a corporation, making it, or, if the document is executed by an attorney, by that attorney, deposing that each person making the instrument was of the full age of twenty-one years at the time of execution of the instrument.

Guarantor,  
etc.

(2) On and after the 1st day of January, 1967, where a person executes a mortgage as a guarantor or surety, the mortgage shall not be registered unless there is made on or securely attached to it an affidavit by such person stating whether he was of the full age of twenty-one years at the time he executed the mortgage.

Plan of  
subdivision

(3) A plan of subdivision shall not be registered unless the age of every person, other than a corporation, who executes the plan as an owner or who, as mortgagee consents to the registration of the plan, is proven in the manner and form prescribed by the regulations to be of the full age of twenty-one years at the time of execution of the plan.

Power of  
attorney

(4) A power of attorney made after the 1st day of July, 1964, other than a power of attorney made by a corporation or by a married woman solely for the purpose of barring her dower, shall not be registered unless there is made on or securely attached to it the affidavit of one of the persons by whom it was executed, or by the attorney, deposing that each person by whom the power of attorney was executed was of the full age of twenty-one years at the time of execution of the power of attorney.

Affidavit  
as to  
marriage

(5) A deed, conveyance, mortgage, lease, release or quit claim that is made by a man and in which a woman joins as his wife to bar her dower shall not be registered unless there is made on or securely attached to it an affidavit by such man or woman, or, if the

SECTION 17. The section is obsolete and is therefore repealed. It referred to copying in the copy books, which are no longer in use.

SECTION 18. The section is re-enacted for purposes of clarification. Subsection 2 is new and is self-explanatory. Subsection 3 is complementary to subsection 3 of section 37 of the Bill, which provides for affidavits relating to plans of subdivision to be filed separately. In subsection 4, the exceptions relating to corporations and married women are new.



document is executed by an attorney, by that attorney, deposing that they were married at the time of execution of the instrument.

- (6) A deed, conveyance, mortgage, lease, release or quit claim that is made by a man and in which no person joins as his wife shall not be registered unless there is made on or securely attached to it an affidavit by the man, or, if the document is executed by an attorney, by that attorney, deposing that the man was married, unmarried, divorced or a widower, as the case may be, at the time of execution of the instrument. Affidavit as to marital status
- (7) Where an affidavit required by this section is made by an attorney that is a corporation, the affidavit shall be made by an officer of the corporation. Affidavit by corporate attorney
- (8) Where an instrument that is otherwise capable of registration is not accompanied by an affidavit as required by this section or is accompanied by an incomplete or defective affidavit and a person who is or claims to be interested in the registration of the instrument makes proof before a judge of any county or district court that an affidavit as required cannot be obtained conveniently and that the facts were as are required to be stated by the affidavit, the judge may dispense with the affidavit, and thereupon he shall endorse upon the instrument or securely attach to it his certificate, in the prescribed form, stating the facts that have been proven to his satisfaction, and the judge's certificate shall be received in lieu of the affidavit. Judge may dispense with affidavit
- (9) Subsection 1 does not apply, Where subs. 1 does not apply
- (a) to a wife who joins in an instrument solely for the purpose of barring her dower;
  - (b) to an executor or administrator, the Public Trustee or any other person dealing with lands in a representative capacity; or
  - (c) to an infant who executes an instrument under the authority of a court of competent jurisdiction.
- (10) Subsections 5 and 6 do not apply, Where subs. 5, 6 do not apply
- (a) to a conveyance made in pursuance of a power of sale contained in a mortgage;



- (b) to an instrument made by persons as joint tenants, trustees or under power of appointment or who hold the lands as partnership property if they are so described in a registered conveyance of the lands to them;
- (c) to a mortgage of leasehold lands;
- (d) to a person executing an instrument in his capacity as an executor or administrator or trustee under a will or to the Public Trustee or any other person dealing with lands in a representative capacity; or
- (e) to a lessee.

## Exception

(2) Notwithstanding subsection 2 of section 55 of this Act, subsection 1 of section 52 of *The Registry Act*, as re-enacted by subsection 1, does not apply in respect of a discharge of a mortgage where the discharge is executed before the 1st day of January, 1967.

R.S.O. 1960,  
c. 348, s. 53,  
subs. 4,  
amended

**19.**—(1) Subsection 4 of section 53 of *The Registry Act*, as amended by section 4 of *The Registry Amendment Act, 1965*, is further amended by adding "or" at the end of clause *j* in the amendment of 1965 and by adding thereto the following clauses:

R.S.O. 1960,  
c. 71

- (k) a corporation exempted from Part IX of *The Corporations Act* under subsection 1 of section 345 of that Act; or

(l) Ontario Development Corporation.

R.S.O. 1960,  
c. 348, s. 53,  
amended

(2) The said section 53 is amended by adding thereto the following subsection:

Idem

R.S.O. 1960,  
c. 324

- (5) This section does not apply in respect of a Crown grant to which section 37 of *The Public Lands Act* applies.

R.S.O. 1960,  
c. 348, s. 54  
(1962-63,  
c. 124, s. 22),  
subs. 5,  
amended

**20.** Subsection 5 of section 54 of *The Registry Act*, as re-enacted by section 22 of *The Registry Amendment Act, 1962-63*, is amended by striking out "shall" in the first line and inserting in lieu thereof "may".

R.S.O. 1960,  
c. 348, s. 55  
(1962-63,  
c. 124, s. 22),  
subs. 1,  
cl. b,  
re-enacted

**21.**—(1) Clause *b* of subsection 1 of section 55 of *The Registry Act*, as re-enacted by section 22 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor:



SECTION 19—Subsection 1. The amendment adds to the list of corporate grantees that are not required to provide affidavits as to compliance with *The Mortmain and Charitable Uses Act*.

Subsection 2. The new subsection is designed to facilitate the registration of Crown grants under section 37 of *The Public Lands Act* by dispensing with an affidavit as to compliance with *The Mortmain and Charitable Uses Act* in respect of corporate patentees of land. Such an affidavit is now required by subsection 2 of section 53 of *The Registry Act*.

SECTION 20. The amendment makes the assigning of a separate series of registration numbers to plans of subdivision permissive rather than mandatory.

SECTION 21. The amendment replaces the provisions of subsection 3 of section 47 of the Act, which is repealed by section 15 of this Bill.

SECTION 22. The new section 57 is complementary to subsection 8 of section 20 of the Act, as re-enacted by section 5 of this Bill, and is also complementary to section 80 of the Act, as amended by section 35 of this Bill.

Those sections refer to general registrations, which in future will not constitute notice.

SECTION 23. The amendments are for the purpose of clarification only.

(b) shall cause every page thereof to be stamped with a perforating stamp bearing the word "Registered"; and

(c) shall cause it to be recorded,

(i) on photographic film, and

(ii) in the proper abstract index, or in the general register index, or in the by-law index, and

(iii) subject to the regulations, in the alphabetical index.

(2) Subsection 4 of the said section 55 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 55  
(1962-63,  
c. 124, s. 22),  
subs. 4,  
re-enacted

(4) Clause *b* and subclauses *i* and *iii* of clause *c* of subsection 1 do not apply in the case of a plan of subdivision or other registered plan. Exception  
as to plans

**22.** Section 57 of *The Registry Act*, as re-enacted by section 23 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 57  
(1962-63,  
c. 124, s. 23),  
re-enacted

57. Where by any Act of Canada or Ontario an order in council or a certified copy thereof is required to be registered or deposited in a registry office, the order or a certified copy thereof may be registered and recorded, Orders in  
council

(a) in the case of an order that does not contain a local description, as a general registration; or

(b) in the case of an order that contains a local description, in the abstract index.

**23.—**(1) Subsections 1, 2 and 3 of section 58 of *The Registry Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 58,  
subs. 1,  
re-enacted;  
subs. 2, 3,  
repealed

(1) A will shall be registered by registering, Wills

(a) the original will or a notarial copy thereof with,

(i) an affidavit sworn by one of the subscribing witnesses to the will proving the due execution thereof by the testator, and

(ii) an affidavit by one of the subscribing witnesses or by some other person stating that the testator is dead;

(b) the letters probate or letters of administration with the will annexed or a notarial copy thereof; or

(c) an exemplification or certified copy of the letters probate or letters of administration with the will annexed under the seal of the court that granted such letters or a notarial copy of such exemplification or certified copy.

R.S.O. 1960,  
c. 348, s. 58,  
subss. 4, 5,  
re-enacted

(2) Subsections 4 and 5 of the said section 58 are repealed and the following substituted therefor:

Consent of  
Treasurer  
required

(4) Except with the consent in writing of the Treasurer of Ontario or of some person authorized by him to consent,

(a) an original will; or

(b) letters probate, letters of administration with the will annexed, or any other grant based on a will given by a court outside Ontario having jurisdiction in probate matters,

or an exemplification, certified or notarial copy thereof shall not be registered under subsection 1.

Notarial  
copy of  
will, etc.

(5) Where, at the time of registration of a notarial copy under this section, the will or other instrument is produced to the registrar, he shall endorse his certificate of registration upon and return the will or other instrument.

R.S.O. 1960,  
c. 348, s. 58,  
subss. 8-10,  
re-enacted

(3) Subsections 8, 9 and 10 of the said section 58 are repealed and the following substituted therefor:

Notarial  
copy of  
general  
certificate

(8) Where, at the time of registration of a general certificate under subsection 7, a notarial copy thereof is produced to the registrar, he shall endorse his certificate of registration upon and return the copy.

Recording  
certificate

(9) A general certificate under subsection 7 shall be registered as a general registration, and shall also be recorded in the proper abstract index if any land is specifically referred to therein.





SECTION 24. The section is new and is self-explanatory.

SECTION 25. The section as re-enacted omits the reference to the "register", which has been replaced by microfilm, and refers instead to the "instrument".

SECTION 26—Subsection 1. The subsection is re-enacted to omit obsolete references to the manner of recording.

Subsection 2. The present subsection 5 of section 65 of the Act is obsolete as it refers to fees for the additional recording of a declaration in the copy book, which is no longer in use. The new subsection re-enacts subsection 4 of section 86 of the Act and is complementary to section 37 of this Bill.

- (10) Notwithstanding anything in this section, a consent under subsection 6 or a general certificate under subsection 7 is required only once in connection with the same property in the same estate. Consent, etc., required only once

**24.** *The Registry Act* is amended by adding thereto the following section: R.S.O. 1960, c. 348, amended

- 58a. A consent under the *Estate Tax Act* (Canada) may be registered separately, or may be registered attached to an instrument in the same instances and in the same manner as a consent of the Treasurer of Ontario under subsection 6 of section 58. Consent under 1958, c. 29 (Can.)

**25.** Section 60 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 60, re-enacted

60. An instrument purporting to convey or otherwise deal with land in any manner shall not be registered if executed by any person as devisee, legatee, executor or administrator of the estate of a deceased person who at the time of his death appears from the instrument to have been in any wise possessed of or interested in the land in question unless before the time of registration of the instrument the will or the letters probate of the will or the letters of administration under which the person executing the instrument claims to be entitled has or have been registered in the registry division in which the land in question is situate and the registration date and number thereof have been inserted in the body of the instrument or in its margin. Where registration of will, etc., required

**26.**—(1) Subsection 1 of section 65 of *The Registry Act*, as amended by section 27 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 65, subs. 1, re-enacted

- (1) A certificate of discharge, in the prescribed form, of a registered mortgage, executed by the mortgagee, his executor, administrator or assignee, or by such other person as may be entitled by law to receive the money and to discharge the mortgage, may be registered. Discharge of mortgage

(2) Subsection 5 of the said section 65 is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 65, subs. 5, re-enacted

- (5) Where land is mortgaged and subsequently subdivided by a registered plan of subdivision, judge's plan, registrar's compiled plan, or any other regis- Where plan registered after mortgage

tered plan by which lots are created, any certificate of discharge of the mortgage shall contain a description of the affected land with reference to the plan.

R.S.O. 1960,  
c. 348,  
amended

**27.** *The Registry Act* is amended by adding thereto the following section:

Change of  
name of  
mortgagee

65a. Subject to section 66, where, after the registration of a mortgage, the name of the person or corporation entitled to receive the money and to discharge the mortgage has changed or been changed, an explanation of the change of name,

R.S.O. 1960,  
c. 49

(a) shall, in the case of a change of name by order under *The Change of Name Act* or by supplementary letters patent, be noted in the body or margin of the certificate of discharge, with reference to the registration number of the certificate of order or supplementary letters patent;

(b) shall, if made by an Act of Ontario or of any other jurisdiction, be noted in the body or margin of the certificate of discharge, with reference to the Act; or

(c) shall, if made upon or in consequence of adoption, marriage, annulment or dissolution of marriage, or in any other way, be set forth in a declaration, attached to the certificate of discharge, made by the person signing the certificate of discharge or by his solicitor.

R.S.O. 1960,  
c. 348, s. 68,  
subs. 1,  
amended

**28.**—(1) Subsection 1 of section 68 of *The Registry Act* is amended by striking out "tendered for registration or" in the eighth line, so that the subsection shall read as follows:

Registration  
of discharge  
given by  
person other  
than the  
mortgagee

(1) Where the person entitled to receive the mortgage money and to discharge a registered mortgage is not the original mortgagee, he shall, at his own expense, cause to be registered before the registration of the certificate of discharge all the instruments or documents through which he claims interest in and title to the mortgage money, and until those instruments or documents are registered the certificate of discharge shall not be registered.

R.S.O. 1960,  
c. 348, s. 68,  
subs. 5, 6,  
repealed

(2) Subsections 5 and 6 of the said section 68 are repealed.

SECTION 27. The new section is self-explanatory. It applies in the case of a mortgagee, other than an amalgamated loan or trust corporation, whose name has been changed after the registration of the mortgage.

SECTION 28—Subsection 1. The amendment deletes inappropriate words.

Subsection 2. The repealed subsections provided for the registration of a part of a will. As registration fees are no longer related to the length of a document, the subsections are deleted as obsolete.

SECTION 29. The prescribed form of discharge is now included in a regulation instead of in the Act.

SECTION 30. The law governing the exercise of powers of appointment to uses is codified and made uniform with corresponding provisions in *The Land Titles Act*.



**29.** Section 70 of *The Registry Act* is amended by inserting after "Act" in the fifth line "and the regulations", so that the section shall read as follows: R.S.O. 1960,  
c. 348, s. 70,  
amended

70. Every certificate of payment or discharge of a mortgage or of the conditions therein or of the lands or any part thereof, at any time given, and whether before or after the time limited by the mortgage for payment or performance, if in conformity with this Act and the regulations is, when registered, a discharge of the mortgage or of the lands described in the certificate, as the case may be, and is as valid and effectual in law as a release of the mortgage or of the lands and as a conveyance to the mortgagor, his heirs or assigns of the original estate of the mortgagor therein. Effect of  
registration  
of discharge  
of mortgage

**30.** *The Registry Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 348,  
amended

70a.—(1) In this section, Interpretation

- (a) "deed to uses" means a deed purporting to grant or convey land to such uses as the grantee may appoint, regardless of the method of appointment specified in the deed, and, until appointment or in default of appointment, purporting to grant or convey the land to the use of the grantee absolutely, and includes every such deed containing words of like import, but does not include a mortgage;

- (b) "grantee to uses" means a grantee named in a deed to uses.

- (2) A mortgage made by a grantee to uses does not exhaust his power of appointment. Mortgage  
does not  
exhaust  
power

- (3) Notwithstanding the registration of a discharge of, Effect of  
discharge  
of mortgage

- (a) a mortgage that was made by a grantee to uses; or

- (b) a mortgage to which the land was subject when the grantee to uses became the grantee,

the grantee to uses may exercise his power of appointment as though the mortgage had not been made.

Application

(4) This section applies to,

- (a) land conveyed by a deed to uses registered on or after the day on which this section comes into force; and
- (b) land conveyed by a deed to uses registered before the day on which this section comes into force, but not conveyed or devised until after that day by the grantee to uses by a deed or will.

R.S.O. 1960,  
c. 348, s. 71,  
subs. 4,  
repealed

**31.** Subsection 4 of section 71 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348, s. 73,  
subs. 1,  
amended

**32.**—(1) Subsection 1 of section 73 of *The Registry Act* is amended by striking out “and the certificate purporting to be the discharge thereof” in the second and third lines and inserting in lieu thereof “by an instrument that”, so that the subsection shall read as follows:

Marking off  
certain  
entries

- (1) Where a mortgage registered since the 1st day of January, 1890, is purported to be discharged by an instrument that has been registered for ten or more years, and wherever a certificate of *lis pendens* registered since the 1st day of January, 1890, has been vacated and the certificate of the judgment or order vacating it has been registered for two or more years, the registrar shall, wherever the mortgage or the discharge thereof or any other instrument dealing exclusively with the mortgage and wherever the certificate of *lis pendens*, certificate of judgment or order vacating the same appear on any abstract index in his office, draw a line in red ink through all such entries and initial and date the same, and the lands described in the mortgage or certificate of *lis pendens* are validly discharged therefrom.

R.S.O. 1960,  
c. 348, s. 73,  
subs. 2,  
re-enacted

(2) Subsection 2 of the said section 73 is repealed and the following substituted therefor:

Partial  
discharge of  
mortgage

- (2) Where an instrument purporting to partially discharge a mortgage registered since the 1st day of January, 1890, has been registered for ten or more years and the mortgage does not affect any portion

SECTION 31. The repealed subsection required an affidavit as to the execution by the sheriff of a certificate of discharge of a mortgage under seizure. The same subject-matter is covered by section 34 of the Act.

SECTION 32—Subsections 1 and 2. The amendments are for the purpose of clarification.

Subsection 3. The new subsection 7 dealing with conditional sale contracts is similar to the preceding subsections. The new subsection 8 requires a registrar to delete notices that were discharged on the 31st day of December, 1951, by section 14 of *The Old Age Assistance Act, 1951*.

SECTION 33. These subsections referred to certain by-laws relating to roads. The subject-matter of the repealed subsection 1 is to be transferred to *The Municipal Act*. Subsection 2 referred to by-laws passed before the 29th day of March, 1873.

SECTION 34. The repealed subsection permitted the registration of a sworn copy in instances where the Act provided for the registration of a notarial copy, and was enacted in 1963 as a temporary device. In view of sections 13 and 23 of this Bill, the subsection is no longer required.

SECTION 35. Section 80 of the Act provides that the registration of an instrument constitutes notice. The effect of the amendment is to restrict the operation of the section to those instruments that are recorded in the abstract index.



of the lot other than the portion described in the instrument, the provisions of subsection 1 apply to the partial discharge in like manner as they would to the mortgage if wholly discharged.

(3) The said section 73 is amended by adding thereto the following subsections: R.S.O. 1960,  
c. 348, s. 73,  
amended

(7) Where an instrument is registered purporting to discharge a registered notice of a conditional sale contract and the discharge has been registered for two or more years, the registrar shall, if the discharge was registered after the 1st day of January, 1967, and may, if registered before that date, draw a line in red ink through the entries of the notice and of the discharge, and of any intervening assignment in the abstract index and initial and date the same, and thereupon the notice and assignment, if any, shall be validly discharged to the same effect thereafter with respect to persons dealing with the land mentioned or referred to therein as if the notice and assignment had not been registered under this Act. Conditional  
sales

(8) Where a notice of the granting of a pension was registered under section 13 of *The Old Age Pensions Act*, being chapter 258 of the Revised Statutes of Ontario, 1950, or any predecessor of that section, the registrar shall draw a line in red ink through the entry of the notice and of any registered discharge thereof in the abstract index and initial and date the same. Pension  
notices

**33.** Subsections 1 and 2 of section 75 of *The Registry Act* are repealed. R.S.O. 1960,  
c. 348, s. 75,  
subs. 1, 2,  
repealed

**34.** Subsection 3 of section 75a of *The Registry Act*, as enacted by section 32 of *The Registry Amendment Act, 1962-63*, is repealed. R.S.O. 1960,  
c. 348, s. 75a  
(1962-63,  
c. 124, s. 32),  
subs. 3,  
repealed

**35.** Section 80 of *The Registry Act* is amended by adding thereto the following subsections: R.S.O. 1960,  
c. 348, s. 80,  
amended

(2) Subsection 1 does not apply to an instrument entered in the by-law index or to an instrument registered as a general registration under subsection 5 or 8 of section 20 or under predecessors of those subsections, Where  
subs. 1  
does not  
apply



- (a) unless an entry of the instrument appears in the abstract index;
- (b) unless an entry of a declaration under subsection 2 of section 33 or a predecessor of that subsection referring to the instrument appears in the abstract index;
- (c) unless the instrument is mentioned in a subsequently registered instrument and an entry of the latter instrument or of a declaration referring thereto, as mentioned in clause b, appears in the abstract index; or
- (d) unless the instrument is a claim for lien under *The Mechanics' Lien Act* against land that constitutes the line of railway or right-of-way of a railway company.

R.S.O. 1960,  
c. 233

Saving

- (3) Subsection 2 does not, in respect of a lot or a part of a lot, alter the effect of registration of an instrument registered before the day on which that subsection comes into force if, within three years after that day, the instrument is re-registered or a declaration under subsection 2 of section 33 referring to the instrument is registered and an entry of the instrument or declaration is made in the abstract index for the lot or the part.

R.S.O. 1960,  
c. 348, s. 82,  
amended

**36.** Section 82 of *The Registry Act* is amended by adding thereto the following subsection:

Application  
of subs. 1

- (2) Subsection 1 does not apply in respect of a lot or a part of a lot unless an entry of the will, probate or letters of administration with the will annexed has been made in the abstract index for the lot or the part.

R.S.O. 1960,  
c. 348, s. 86  
(1964,  
c. 102, s. 22),  
subss. 3, 4,  
re-enacted

**37.**—(1) Subsections 3 and 4 of section 86 of *The Registry Act*, as re-enacted by section 22 of *The Registry Amendment Act, 1964*, are repealed and the following substituted therefor:

Instruments  
to conform  
to plan

- (3) Subject to section 90, an instrument affecting the land on a plan or any part thereof, executed after the plan is registered, except an instrument registered under subsection 5 or 8 of section 20, shall not be registered unless it refers and conforms to the plan.

Effect of  
mortgagee's  
consent

- (4) The consent of the mortgagee to a plan of subdivision, when registered, discharges from the mortgage any land dedicated by the owner as a public

SECTION 36. The new subsection 2 of section 82 is complementary to subsection 2 of section 80 of the Act, as enacted by section 35 of this Bill.

SECTION 37—Subsection 1. Subsection 3 of section 86 is re-enacted for clarity. The repealed subsection 4 is transferred by subsection 2 of section 26 of this Bill to a more appropriate place in the Act. The new subsection 4 clarifies the effect of the consent of the mortgagee to a plan of subdivision.

Subsections 2 and 3. The amendments will allow regulations to be made to reduce the number of affidavits on a plan of subdivision.

SECTION 38. The subsection is re-enacted for clarity and involves no change in principle.

highway and any land designated as a reserve that is conveyed to the corporation of the municipality in which the land is situate.

(2) Subsection 7 of the said section 86 is amended by striking out "and, except in the case of a corporation, every such signature is verified by affidavit" in the eighth and ninth lines, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 348, s. 86  
(1964,  
c. 102, s. 22),  
subs. 7,  
amended

(7) The registrar shall not register a plan of a subdivision of land unless the person by whom or on whose behalf the plan is tendered for registration appears on the registry books to be the owner of the land, or unless the consent in writing of every person who appears by the registry books to be a mortgagee of the land is endorsed on the plan and signed by every such person, but nothing in this section shall be deemed to require the consent to any such plan of the owner of an easement or right in the nature of an easement in respect of the land.

Registrar  
not to file  
plans for  
anyone but  
owner or  
without  
consent of  
mortgagees

(3) The said section 86 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 348, s. 86  
(1964,  
c. 102, s. 22),  
amended

(9) Notwithstanding subsection 2 of section 34 and subsection 7 of this section, the consents of the mortgagees and the required affidavits may be omitted from the plan if they are included in an instrument, to be known as a "Plan Document", in the form prescribed and registered in the manner provided by the regulations.

Plan  
Document

**38.** Subsection 1c of section 88 of *The Registry Act*, as enacted by subsection 1 of section 23 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 348, s. 88,  
subs. 1c  
(1964,  
c. 102, s. 23,  
subs. 1),  
re-enacted

(1c) Where a compiled plan is registered under subsection 1a,

Effect of  
compiled  
plan

(a) subject to section 90, an instrument affecting the land executed after the plan is registered, except an instrument registered under subsection 5 or 8 of section 20, shall not be registered unless it refers to the plan; and

(b) the plan is binding on all persons subsequently dealing with the land or any part thereof included in the plan or any interest in or con-



cerning the same, but does not affect the rights or interests of any owner or other person entitled at or before the date of registration.

R.S.O. 1960,  
c. 348, s. 89,  
amended

**39.** Section 89 of *The Registry Act* is amended by adding at the commencement thereof "Subject to the regulations", so that the section shall read as follows:

Registration  
of instru-  
ment  
referring to  
an unregis-  
tered plan

89. Subject to the regulations, no instrument referring to an unregistered plan shall be registered unless an instrument referring to the plan has been registered in respect of the same land, and, if the registrar objects to the registration of an instrument on the ground that it refers to an unregistered plan, he may refuse to register the instrument unless the person desiring its registration refers the registrar to the number of an instrument registered in respect of the same land referring to the unregistered plan.

R.S.O. 1960,  
c. 348,  
amended

**40.** *The Registry Act* is amended by adding thereto the following section:

When  
registered  
plan not  
signed by  
an owner  
becomes  
binding

91a.—(1) Where a parcel of land has been included in a registered plan of subdivision that was not signed by the owner of the parcel, and the parcel is subsequently described in a registered deed or other conveyance as being within the plan, the plan is as binding upon the grantee of the parcel and all persons claiming under him as if the plan had been signed by the owner of the parcel.

Saving

(2) Subsection 1 does not affect the rights of a mortgagee whose mortgage was registered before the deed or other conveyance, mentioned in subsection 1, was registered.

R.S.O. 1960,  
c. 348, s. 92a  
(1964,  
c. 102, s. 25),  
amended

**41.**—(1) Section 92a of *The Registry Act*, as enacted by section 25 of *The Registry Amendment Act, 1964*, is amended by inserting after "block" in the second line "or adds to a plan land that was previously not included therein", so that subsection 1 of the said section shall read as follows:

Registration  
of amended  
plan

(1) Where an amendment to a plan under section 91 or 92 alters the size or boundaries of any lot or block or adds to a plan land that was previously not included therein, the amendment does not take effect until a new plan of subdivision showing the amendments is registered with the amending order, and the provisions of this Act that apply to plans of sub-



**SECTION 39.** The amendment removes a conflict with present regulations, which provide for the use of plans instead of written descriptions in instruments.

**SECTION 40.** The new section is designed to resolve title problems arising out of absence of the signatures of owners whose lands have been included in registered plans of subdivision.

**SECTION 41—Subsection 1.** The amendment is designed to clarify the intent of the section.

Subsection 2. The new subsection makes it clear that the conditions relating to the amendment of a plan do not apply to the correction of erroneous measurements, etc., in a plan.

SECTION 42. Section 93, as re-enacted, omits a reference to plans of survey made before March 4, 1868, and to the cost of their registration.

Subsections 1 and 2 of the new section 93*a* are re-enactments of subsections 10 and 11 of section 94 of the Act (repealed by section 43 of the Bill) in revised form.

Subsections 3 and 4 of section 93*a* are self-explanatory.

division, and the provisions of *The Planning Act* R.S.O. 1960, c. 296 respecting the approval of plans of subdivision apply to the amended plan.

(2) The said section 92a is further amended by adding there- R.S.O. 1960, c. 348, s. 92a (1964, c. 102, s. 25), amended  
to the following subsection:

(2) This section does not apply to an order authorizing Saving  
a registrar to correct any erroneous measurement upon, or any error, defect or omission in, any registered plan, and, subject to the regulations under *The Certification of Titles Act*, the judge may, upon R.S.O. 1960, c. 48  
an application made to him by the registrar or by a municipal council or by a person to whom subsection 2 of section 91 applies and upon production of evidence satisfactory to the judge, and either upon giving such notice to interested parties as he deems appropriate or *ex parte*, make an order authorizing such corrections.

**42.** Section 93 of *The Registry Act* is repealed and the R.S.O. 1960, c. 348, s. 93, re-enacted  
following substituted therefor:

93. Where land has been sold in accordance with or by Un-registered plans of subdivision, etc.  
reference to surveys or subdivisions that so differ from the manner in which the land was surveyed or granted by the Crown that parcels so sold cannot be easily identified unless the plan is registered, the plan shall be registered if still in existence and procurable for registration.

93a.—(1) Where land in a municipality has been sold Municipal plans  
under surveys or subdivisions made in a manner that so differs from that in which the land was surveyed or granted by the Crown that the parcels sold cannot be easily identified, and the plan has not been registered, the council of the municipality may cause a plan of the land to be made and, with the approval of the Inspector endorsed thereon, registered, and the expenses of the preparation and registration of the plan may be paid in whole or in part by a special rate to be levied by assessment on the land comprised in the plan as described in a by-law to be passed for the purpose of levying such rate.

(2) A plan prepared under subsection 1 shall show such Designation of lots  
subdivisions of original lots as are shown by registered plans, and such as are not so shown but appear from the instruments relating to the land, with each

of the lots as shown on the new plan numbered or lettered in such a manner that they may be readily identified.

Plan to  
comply with  
regulations

- (3) A plan under this section shall be prepared and registered in accordance with the regulations.

Subsequent  
dealings

- (4) Where a plan is registered under this section,
- (a) subject to section 90, an instrument affecting the land executed after the plan is registered, except an instrument registered under subsection 5 or 8 of section 20, shall not be registered unless it refers to the plan; and
  - (b) the plan is binding on all persons subsequently dealing with the land or any part thereof included in the plan or any interest in or concerning the same, but does not affect the rights or interests of any owner or other person entitled at or before the date of registration.

R.S.O. 1960,  
c. 348, s. 94,  
repealed

**43.**—(1) Section 94 of *The Registry Act*, as amended by subsection 1 of section 26 of *The Registry Amendment Act, 1964*, is repealed.

Saving

(2) Notwithstanding subsection 1, the said section 94 continues to apply to any plan registered, ordered to be registered or in the course of preparation for registration before this section comes into force.

R.S.O. 1960,  
c. 348, s. 94a  
(1964,  
c. 102, s. 27),  
amended

**44.** Section 94a of *The Registry Act*, as enacted by section 27 of *The Registry Amendment Act, 1964* and amended by section 7 of *The Registry Amendment Act, 1965*, is further amended by adding thereto the following subsection:

Subsequent  
dealings

- (11) Subject to section 90, where a plan is registered under this section, an instrument affecting the land executed after the plan is registered, except an instrument registered under subsection 5 or 8 of section 20, shall not be registered unless it refers and conforms to the plan.

R.S.O. 1960,  
c. 348, s. 96  
(1962-63,  
c. 124, s. 37),  
subs. 1,  
cl. b,  
amended

**45.** Clause b of subsection 1 of section 96 of *The Registry Act*, as re-enacted by section 37 of *The Registry Amendment Act, 1962-63*, is amended by striking out "more than ten acres" in the first and second lines and inserting in lieu thereof "ten acres or more", so that the clause shall read as follows:



SECTION 43—Subsection 1. The permissive provisions in the repealed subsection 10 and related provisions in subsections 11 and 16 of section 94 have been re-enacted as section 93a by section 42 of the Bill. The repealed subsection 1 of section 94 authorized the Inspector of Legal Offices to order a municipality to have plans prepared and registered in certain circumstances, and the following related subsections, *inter alia*, provided a penalty for default. These provisions have not been re-enacted.

Subsection 2. Self-explanatory.

SECTION 44. The amendment requires instruments affecting land subdivided by a Judge's Plan to refer thereto.

SECTION 45. Subsection 1 of section 96 of the Act provides for the designation of subdivision plan areas. Clause *b* of that subsection allows for the registration of a deed of a part of a parcel of land without a plan of subdivision being required. The amendment brings the clause into line with a similar provision in section 26 of *The Planning Act*, which relates to subdivision control by-laws.



SECTION 46. The new subsection 4 is a re-enactment of subsection 1 of section 113 of the Act in a more appropriate place. Section 107 requires every registrar to make an annual return to the Inspector, accounting for all revenue and expenditures. See section 47 of this Bill.

SECTION 47. The repealed section 109 of the Act established the formula, referred to as "the percentages", for the remuneration of registrars and also provided that the Lieutenant Governor in Council could fix their remuneration.

Every registrar is now entitled to retain such a fixed remuneration from his office revenue, other than registrars in the provisional judicial districts who are paid by the Province.

The references to "percentages" have thus become obsolete, and sections 109, 110, 111, 113 and 114 of the Act are re-enacted in order to delete the obsolete references and to improve the sequence of the subject-matter.

The manner provided by the new subsection 1 of section 112 of the Act for fixing the remuneration of registrars is similar to that now applicable to other provincial Crown employees.

(Section 112 of the Act was repealed by section 43 of *The Registry Amendment Act, 1962-63.*)

Sections 115 and 116 of the Act are repealed as obsolete. Section 115 applied when a registrar ceased to hold office, and section 116 provided that certain revenue could be retained by the registrar.

- (b) unless the land described is ten acres or more in area and the unaffected remnant, if any, remaining in the owner is also ten acres or more; or

**46.** Section 107 of *The Registry Act*, as re-enacted by section 40 of *The Registry Amendment Act, 1962-63*, is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 348, s. 107  
(1962-63,  
c. 124, s. 40),  
amended

- (4) Every registrar, other than a registrar in a provisional judicial district, shall transmit to the treasurer of the county or city for which or for part of which he is registrar a duplicate of his annual return on or before the 31st day of January of the year next following the year in respect of which it is made.

Duplicate  
return

**47.** *The Registry Act* is amended by repealing,

R.S.O. 1960,  
c. 348,  
ss. 109-111,  
113, 114,  
re-enacted;  
s. 115, s. 116  
(1962-63,  
c. 124, s. 45)  
repealed

- (a) section 109, as amended by section 42 of *The Registry Amendment Act, 1962-63*;

- (b) sections 110 and 111;

- (c) section 113, as amended by section 44 of *The Registry Amendment Act, 1962-63* and section 30 of *The Registry Amendment Act, 1964*;

- (d) sections 114 and 115; and

- (e) section 116, as re-enacted by section 45 of *The Registry Amendment Act, 1962-63*,

and substituting therefor the following:

109. Every registrar shall, on or before the 7th day of January in each year, transmit to the head of any municipality to which he has made payments in accordance with section 113 during the next preceding year a statement signed by him showing the amounts so paid and the dates of payment, and the head of the municipality receiving the statement shall cause it to be laid before the auditors when auditing the accounts of that year, and shall also read it at the first meeting of the council held after its receipt.

Registrars  
to send  
statement  
of amounts  
paid to  
head of  
municipality

110. In sections 111, 112, 113 and 119,

Interpre-  
tation

- (a) "disbursements" includes salaries, wages and employment benefits;

R.S.O. 1960,  
c. 204

(b) "surplus fees" means the excess of all fees and emoluments received during the calendar year, including fees received under *The Land Titles Act* by a registrar who is also a master of titles, after deducting the disbursements incidental to the business of his office.

Registrars  
in the  
districts

111. A registrar in a provisional judicial district shall pay monthly to the Treasurer of Ontario the excess of his gross income, including income earned by him as master of titles, over the disbursements authorized under section 119 and shall forward every such payment to the Inspector, together with a monthly return in such form as is approved by the Inspector.

Salaries

112.—(1) The Lieutenant Governor in Council shall, by order in council, prescribe the manner in which the salaries of registrars shall be established.

Idem

(2) Where it appears by the report of the Inspector that in any year a registrar or an officer holding the office of registrar and master of titles has derived from the fees and emoluments of his office, after deducting necessary disbursements, an income that is less than his fixed annual salary, there shall be paid to such registrar or officer, out of the Consolidated Revenue Fund, an amount sufficient to make up the income for the year to his fixed annual salary.

Registrar  
to pay  
surplus fees  
to treasurer  
R.S.O. 1960,  
c. 204

113.—(1) Subject to subsections 2 and 3 and to section 5b of *The Land Titles Act*, every registrar shall pay to the treasurer of the county or city for which or for part of which he is registrar the surplus fees of his office.

How  
computed  
in certain  
cases

(2) Where a registry division includes a county or part of a county and a city or town separated from the county for municipal purposes, the surplus fees shall be paid to the treasurer of the county and to the treasurer of the city or town for the use of each municipality in the proportions in which the fees are derived from registrations in respect of land situate in the county and in the city or town respectively.

Division  
of surplus  
fees under  
subs. 2

(3) Notwithstanding subsection 2, the Inspector may, in respect of any registry division, direct that the fees payable to the county and to a city or town shall be computed,



SECTION 48. Section 117 of the Act provides for the inspection of the accounts of a registry office by the officials of a municipality that is entitled to a portion of the office revenue. The amendment is complementary to section 47 of this Bill, which removes from the Act other references to percentages.

SECTION 49. The minimum penalty for alteration of registry records is increased from \$5 to \$50.

SECTION 50. Subsection 1 of section 126 of the Act provides that the Lieutenant Governor in Council may make regulations. The new clause is similar to section 79*b* of *The Land Titles Act* and is self-explanatory.

SECTION 51—Subsection 1. Subsection 1 is re-enacted to omit a reference to the deposit index, which is no longer in use. The new subsection 1*a* provides for the numbering of deposited documents.



(a) in the proportion that the number of instruments affecting land in the county bears to those affecting land in the city or town; or

(b) upon the joint application of the county and of the city or town, in the proportions requested in the application.

- (4) The registrar shall pay 70 per cent of the surplus fees in accordance with this section on or before the 31st day of January of the year next following the year in which the fees were received and shall pay the balance when the Inspector notifies the registrar that his annual return has been audited and found to be correct, or on the 31st day of March of the same year, whichever occurs first. When payment to be made

114. Section 109, subsection 2 of section 112 and section 113 do not apply to a registrar in a provisional judicial district. Exception

48. Section 117 of *The Registry Act* is amended by striking out "or percentage" in the fifth line. R.S.O. 1960, c. 348, s. 117, amended

49. Section 125 of *The Registry Act* is amended by striking out "\$5" in the eleventh line and inserting in lieu thereof "\$50". R.S.O. 1960, c. 348, s. 125, amended

50. Subsection 1 of section 126 of *The Registry Act*, as re-enacted by section 48 of *The Registry Amendment Act, 1962-63* and amended by section 32 of *The Registry Amendment Act, 1964*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 348, s. 126, (1962-63, c. 124, s. 48), subs. 1, amended

(na) requiring, in connection with an instrument presented for registration, proof of compliance with any law that if not complied with might detrimentally affect the title or interest of a person claiming title or an interest under the instrument, and governing the form and manner of presentation of such proof.

51.—(1) Subsection 1 of section 130 of *The Registry Act*, as enacted by section 33 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 130 (1964, c. 102, s. 33), subs. 1, re-enacted

(1) Upon receiving the requisition under section 129 and the documents therein mentioned, the registrar shall cause the word "deposited" with the date and deposit number to be endorsed on the requisition. Numbering, etc.

Idem

- (1a) Deposits shall be numbered consecutively in order of time of receipt, in accordance with subsections 1 and 5 of section 54, as though they were instruments or a separate class of instruments.

R.S.O. 1960,  
c. 348, s. 130  
(1964,  
c. 102, s. 33),  
subs. 3,  
amended

- (2) Subsection 3 of the said section 130 is amended by adding at the end thereof "and, where the deposit refers to only a part of a lot, the entry in the abstract index shall include a reference to the part of the lot", so that the subsection shall read as follows:

Entry in  
abstract  
index

- (3) Where a deposit refers to a lot or parcel of land, the registrar shall enter in red ink in the abstract index against each such lot or parcel the words "See Deposit No. . . .", and, where the deposit refers to only a part of a lot, the entry in the abstract index shall include a reference to the part of the lot.

R.S.O. 1960,  
c. 348, s. 130  
(1964,  
c. 102, s. 33),  
subs. 4,  
re-enacted

- (3) Subsection 4 of the said section 130 is repealed and the following substituted therefor:

Recording

- (4) The registrar shall record every document deposited under this Part at full length by means of photographic film reproduction.

R.S.O. 1960,  
c. 348,  
amended

- 52.** *The Registry Act* is amended by adding thereto the following Part:

## PART III

### INVESTIGATION OF TITLES

Interpre-  
tation

#### 133. In this Part,

- (a) "claim" means a right, title, interest, claim or demand of any kind or nature whatsoever affecting land set forth in, based upon or arising out of a registered instrument, and, without limiting the generality of the foregoing, includes mortgages, liens, easements, agreements, contracts, options, charges, annuities, leases, dower rights whether inchoate or otherwise, and restrictions as to the use of land or other encumbrances affecting land;
- (b) "owner" means a person, other than a lessee or a mortgagee, entitled to a freehold or other estate or interest in land at law or in equity, in possession, in futurity or in expectancy.

Subsection 2. The amendment is designed to minimize the number of deposits that a person searching titles will be required to examine.

Subsection 3. The subsection is re-enacted to omit a reference to the "registry book", which is no longer in use.

SECTION 52. The provisions of *The Investigation of Titles Act* are transferred to *The Registry Act* in revised form. No major amendment to this legislation has been made since 1929.





134. A person dealing with land shall not be required to show that he is lawfully entitled to the land as owner thereof through a good and sufficient chain of title during a period greater than the forty years immediately preceding the date of such dealing, except in respect of claims referred to in subsection 2 of section 135.

135.—(1) A claim that has been in existence for longer than forty years does not affect land to which this Act applies unless the claim has been acknowledged or specifically referred to or contained in an instrument or a notice under this Part or under *The Investigation of Titles Act*, being chapter 193 of the Revised Statutes of Ontario, 1960 or any predecessor thereof, registered against the land within the forty-year period.

(2) Subsection 1 does not apply to,

Exceptions

- (a) a claim of the Crown reserved by letters patent or a claim of the Crown in unpatented land or in land for which letters patent have been issued, but which has reverted to the Crown by forfeiture or cancellation of the letters patent, or in land that has otherwise reverted to the status of unpatented Crown land;
- (b) a claim of the Crown or of a municipality in respect of any public highway or lane;
- (c) a wife's claim to an inchoate right to dower in land while her husband is wholly or in part the owner thereof;
- (d) a claim to an unregistered right-of-way or other easement or right that a person is openly enjoying and using;
- (e) a claim to a freehold estate in land or an equity of redemption therein by a person shown by the abstract index for the land as being so entitled prior to any forty-year period and continuously shown by the abstract index for the land during the forty-year period and thereafter as being so entitled; or



(f) any claim imposed by a statutory enactment.

Idem

(3) For the purposes of subsection 1,

(a) a wife's claim to an inchoate right to dower in land shall be deemed to be acknowledged in an instrument by which her husband alienates the land; and

(b) an instrument, the entry of which has been marked off the abstract index under section 73, shall be deemed not to have been registered.

Registration  
of notice  
of claim

136.—(1) A person having a claim against land that is not barred under section 135 or a person on his behalf may register in the proper registry office a notice, which shall set forth the claimant's full name and address, a local description of the land and a detailed statement of the claim verified by the affidavit of the person registering the notice.

Idem

(2) Notwithstanding subsection 1 of section 135 and subsection 1 of this section, a notice of a claim that has expired by virtue of the operation of subsection 1 of section 135 may be registered under subsection 1 of this section if there has been no intermediate registered dealing with the land, and such registration has the same effect as if done within the time limited by subsection 1 of section 135.

Registration  
not to  
validate  
expired  
claim

(3) The registration of a notice under subsection 1 does not validate a claim that has otherwise expired.

Part  
to prevail  
over other  
provisions

137. Where there is any conflict between the provisions of this Part and those of any other Act or any regulation made thereunder or any rule of law, the provisions of this Part prevail.

1964, c. 102,  
ss. 8, 34,  
repealed

**53.** Sections 8 and 34 of *The Registry Amendment Act, 1964* are repealed.

Validity  
of prior  
registrations  
not affected

**54.** Except as provided in,

(a) section 31 of *The Registry Act*, as re-enacted by section 8 of this Act;

(b) section 70a of *The Registry Act*, as enacted by section 30 of this Act;

SECTION 53. These sections of the 1964 amendments were not proclaimed. They are included in this Bill in amended form as sections 30 and 52.

SECTION 54. Self-explanatory.



(c) section 80 of *The Registry Act*, as amended by section 35 of this Act; and

(d) sections 133, 134, 135, 136 and 137 of *The Registry Act*, as enacted by section 52 of this Act,

no provision of *The Registry Act* effected by this Act affects the validity or legal consequence, as the case may be, of the registration of any instrument that was registered before such provision came into force.

**55.**—(1) This Act, except sections 1 to 18, 20 to 45 and 49 to 54, comes into force on the day it receives Royal Assent. <sup>Commence-</sup>  
<sup>ment</sup>

(2) Section 18 shall be deemed to have come into force on the 1st day of July, 1964. <sup>Idem</sup>

(3) Sections 5, 8, 9, 23, 30, 35, 36 and 52 come into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Idem</sup>

(4) Sections 1 to 4, 6, 7, 10 to 17, 20 to 22, 24 to 29, 30 to 34, 37 to 45, 49 to 51, 53 and 54 come into force on the 1st day of January, 1967. <sup>Idem</sup>

**56.** This Act may be cited as *The Registry Amendment Act*, 1966. <sup>Short title</sup>

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*1st Reading*

April 22nd, 1966

*2nd Reading*

May 6th, 1966

*3rd Reading*

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MR. WISHART

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*(Reprinted as amended by the Committee  
of the Whole House)*



# **BILL 97**

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## **An Act to amend The Registry Act**

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MR. WISHART

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## An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Registry Act*, as amended by section 1 of *The Registry Amendment Act, 1962-63* and section 1 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 1,  
re-enacted

### 1. In this Act,

Interpre-  
tation

- (a) "certificate of amalgamation of loan corporations" includes a copy certified under the hand of the Registrar of Loan and Trust Corporations of the certificate of assent and declaration referred to in section 102 of *The Loan and Trust Corporations Act* and of any document mentioned in such certificate and a certificate issued for the purpose of registration under any Act of the Legislature authorizing or ratifying an agreement for the purchase and sale of the assets, or for the amalgamation of loan corporations; R.S.O. 1960,  
c. 222
- (b) "Inspector" means the Inspector of Legal Offices appointed under *The Judicature Act*; R.S.O. 1960,  
c. 197
- (c) "instrument" includes every instrument whereby land in Ontario may be transferred, disposed of, charged, encumbered or affected in any other way, and, without limiting the generality of the foregoing, includes any instrument mentioned in subsection 8 of section 20 and a Crown grant of Canada and of Ontario, a deed, conveyance, mortgage, notice of sale by a mortgagee, assignment of mortgage, certificate of discharge of mortgage, assurance, lease, bond, release, dis-

R.S.O. 1960,  
c. 106

charge, agreement for the sale or purchase of land, caution under *The Devolution of Estates Act* or renewal or withdrawal thereof, municipal by-law, certificate of proceedings in any court, judgment or order of foreclosure and every other certificate of judgment or order of any court affecting any interest in or title to land, and a certificate of payment of taxes granted under the corporate seal of any municipality by the treasurer, a sheriff's and treasurer's deed of land sold by virtue of his office, a contract in writing, every order and proceeding in bankruptcy and insolvency, a plan of a survey or subdivision of land, and every notice, caution and other instrument registered in compliance with an Act of Canada or Ontario;

- (d) "land" includes lands, tenements, hereditaments and appurtenances and any estate or interest therein;
- (e) "letters probate" includes letters testamentary or a similar grant based on a will proven before a court having jurisdiction in probate matters outside Ontario;
- (f) "local description" means a description of land drawn in accordance with the regulations;
- (g) "notarial" includes prothonotarial;
- (h) "photographic film" includes any photographic plate, microphotographic film or photocopy negative;
- (i) "plan of subdivision" means a plan by which the owner of land divides the land into areas designated on the plan, but does not include a plan under *The Cemeteries Act* or *The Expropriation Procedures Act, 1962-63*;
- (j) "prescribed" means prescribed by this Act or the regulations;
- (k) "registered" means registered under this Act;
- (l) "regulations" means the regulations made under this Act;

R.S.O. 1960,  
o. 47  
1962-63,  
o. 43

(m) "surveyor" means a surveyor as defined in *The Surveyors Act*; R.S.O. 1960,  
c. 389

(n) "will" means a will as defined in *The Wills Act*. R.S.O. 1960,  
c. 433

2.—(1) Subsection 1 of section 6 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 6,  
subs. 1,  
re-enacted

- (1) For the safe-keeping and protection of all books, records, memorials, documents, instruments and plans in the custody of the registrar, the council of every county, where at any time there are no safe and proper fire-proof offices provided by the council or where any registry office is established or where under section 5 the Lieutenant Governor in Council has directed a change of site, shall provide, furnish, maintain and keep in good repair a safe and fire-proof registry office upon a plan and on a site to be approved by the Lieutenant Governor in Council, and the council shall keep the registry office in good repair, furnished with fuel and furniture and properly heated, lighted, cleaned and ventilated. County  
councils  
to provide  
fire-proof  
offices

(2) Subsection 3 of the said section 6 is amended by striking out "sections 109 and 113" in the fifth line and inserting in lieu thereof "section 113", by striking out "the vault of" in the seventh and eighth lines and by striking out "vault" in the ninth line and inserting in lieu thereof "registry office", so that the subsection shall read as follows: R.S.O. 1960,  
c. 348, s. 6,  
subs. 3,  
amended

- (3) Except where otherwise provided in this Act, the Inspector may in writing authorize the registrar under the direction of an architect named by the Inspector to expend out of the proportion of the fees to which the county or city may then or thereafter be entitled under section 113 so much as may be deemed by the Inspector to be necessary in providing adequate fire-proof or metal fittings for the registry office or for the proper heating and ventilation of the registry office, and the amount so expended, including the architect's charge, shall be certified by the Inspector, and his certificate or a duplicate thereof shall be transmitted by the registrar to the treasurer of the county or city, and is a discharge to the registrar of the amount so certified, as against the proportion of the fees then payable or to become thereafter payable by him. Registrar  
to provide  
fire-proof  
or metal  
fittings,  
when  
directed by  
Inspector

3. Section 12 of *The Registry Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 348, s. 12,  
amended



Senior  
deputy

- (1a) Where a registrar has more than one deputy, he shall, with the approval of the Inspector, designate one of the deputies as his senior deputy.

R.S.O. 1960,  
c. 348, s. 17  
(1962-63,  
c. 124, s. 6),  
amended

4. Section 17 of *The Registry Act*, as re-enacted by section 6 of *The Registry Amendment Act, 1962-63*, is amended by adding thereto the following subsection:

Effect of  
abstract

- (7) An abstract furnished by a registrar under this section is *prima facie* evidence of the registration of the instruments of which extracts are included in the abstract.

R.S.O. 1960,  
c. 348, s. 20,  
subs. 1,  
re-enacted

- 5.—(1) Subsection 1 of section 20 of *The Registry Act* is repealed and the following substituted therefor:

Treasurer  
to provide  
books, etc.

- (1) The treasurer of every county and the treasurer of every city for which there is a separate registry office shall on the written request of the registrar provide and pay for all books and indexes required for the business of the registry office.

R.S.O. 1960,  
c. 348, s. 20,  
subss. 3, 4,  
repealed

- (2) Subsections 3 and 4 of the said section 20 are repealed.

R.S.O. 1960,  
c. 348, s. 20,  
subs. 7,  
repealed

- (3) Subsection 7 of the said section 20 is repealed.

R.S.O. 1960,  
c. 348, s. 20,  
subs. 8  
(1962-63,  
c. 124, s. 7,  
subs. 3),  
subss. 9-11,  
re-enacted

- (4) Subsection 8, as re-enacted by subsection 3 of section 7 of *The Registry Amendment Act, 1962-63* and amended by section 6 of *The Registry Amendment Act, 1964*, and subsections 9, 10 and 11 of the said section 20 are repealed and the following substituted therefor:

General  
registrations

- (8) The following instruments when received for registration shall be registered as general registrations and, except as otherwise provided in this Act, shall not be recorded in the abstract index:

1. Wills.
2. Letters probate.
3. Letters of administration.
4. General appointments of new trustees.
5. Certificates or certified or notarial copies of judgments or of court orders appointing or removing executors, administrators, guardians or trustees.

6. General certificates of payment of\* succession duties under *The Succession Duty Act.* R.S.O. 1960, c. 386
7. Certificates or certified or notarial copies of orders made under *The Mental Incompetency Act.* R.S.O. 1960, c. 237
8. Certificates under section 19 of *The Change of Name Act.* R.S.O. 1960, c. 49
9. Powers of attorney or revocations thereof.
10. General bars of dower.
11. Orders in council of Canada or Ontario, or certified copies thereof, not containing local descriptions.
12. Notarial copies of letters patent of incorporation or of supplementary letters patent.
13. Notarial copies of letters patent changing names of corporations or amalgamating corporations.
14. Notarial copies of certificates of amalgamation of loan or trust corporations.
15. Notarial copies of licences in mortmain.
16. Notarial copies of extra-provincial licences under Part IX of *The Corporations Act.* R.S.O. 1960, c. 71
17. Plan Documents under subsection 9 of section 86.
18. Claims for lien under *The Mechanics' Lien Act* against land that constitutes the line of railway or right-of-way of a railway company. R.S.O. 1960, c. 233
- (9) Every registrar shall keep an alphabetical index in the prescribed form of all general registrations, to be known as the "General Register Index". General Register Index
- (10) The Inspector may, by written direction, require a registrar to prepare and maintain a separate alphabetical index for any class of general registrations. Separate index

Books, etc.,  
Crown  
property

- (11) All books, indexes, photographic film reproductions and other records used and kept in and for the purposes of a registry office are the property of the Crown.

R.S.O. 1960,  
c. 348, s. 25,  
re-enacted

6. Section 25 of *The Registry Act* is repealed and the following substituted therefor:

Registrar  
removed or  
resigning to  
deliver up  
books to  
new  
registrar,  
etc.

25. Where a registrar is removed from or resigns his office, he shall forthwith deliver up all books, plans, instruments, memorials, indexes and photographic film reproductions thereof in his custody as registrar to the person who is appointed registrar in his stead or to any other person who is appointed in writing by the Attorney General to receive them, and, if the registrar refuses to do so, the Attorney General may direct the sheriff of the county to seize and take immediate possession of them wheresoever found.

R.S.O. 1960,  
c. 348, s. 26,  
subs. 1  
(1962-63,  
c. 124, s. 9,  
subs. 1),  
subs. 2, 3,  
re-enacted

7. Subsection 1, as re-enacted by subsection 1 of section 9 of *The Registry Amendment Act, 1962-63*, and subsections 2 and 3 of section 26 of *The Registry Act* are repealed and the following substituted therefor:

Preserva-  
tion of  
abstract  
books, etc.

- (1) It is the duty of every registrar to preserve the abstract index books and other records of his office in good repair.

Copying  
and repair  
of books,  
etc.

- (2) A registrar may, when he deems it necessary, and shall, when so directed by the Inspector, cause,

(a) any book that is becoming obliterated or unfit for further use to be manually or mechanically copied or reproduced and, where portions of the entries in the book are missing, obliterated or cannot be deciphered, the missing details to be obtained, so far as possible, by examination of the instruments relating thereto and incorporated in the copy;

(b) plans and maps to be copied, repaired, restored, mounted, bound or otherwise preserved; and

(c) any book to be repaired,

in a manner approved by the Inspector.

Copy to be  
certified

- (3) Where a book is copied or reproduced under clause a of subsection 2, the registrar shall certify the correctness of the copy.



- (3a) The certificate of a registrar under subsection 3 is, <sup>Effect of certificate</sup> to the extent specified in the certificate, *prima facie* evidence that the copy is a true copy of the original book, and such certified copy shall be accepted and received as the original, but the registrar shall nevertheless carefully preserve the original book and produce it upon demand.

8. Section 31 of *The Registry Act* is repealed and the <sup>R.S.O. 1960, c. 348, s. 31, re-enacted</sup> following substituted therefor:

- 31.—(1) Except as otherwise provided in and subject <sup>Instruments that may be registered</sup> to this Act and the regulations, any instrument within the meaning of clause *c* of section 1 and any other instrument specifically permitted to be registered under Part I of this Act may be registered.

- (2) Unless otherwise provided in this Act, any instrument <sup>Delivery of instruments to registrar</sup> that may be registered shall be registered upon and by delivery to and deposit with the registrar of the instrument or of an executed duplicate or other original part thereof with all necessary affidavits.

- (3) Subject to subsection 4, the registration of an instrument purporting to affect unpatented Crown <sup>Un-patented Crown land</sup> land has no effect under this Act.

- (4) Subsection 3 does not apply, <sup>Exceptions</sup>

(a) to a mortgage or other encumbrance made by the original nominee of the Crown or by a person through whom a person obtaining a grant of land from the Crown derived title, or to a lien affecting the land;

(b) to a plan of Crown land made under *The Highway Improvement Act*, *The Public Lands Act* or any other Act of Ontario; <sup>R.S.O. 1960, cc. 171, 324</sup>

(c) to a lease of Crown land or of an interest therein or of any interest of the Crown in land under *The Mining Act* or *The Public Lands Act*; <sup>R.S.O. 1960, cc. 241, 324</sup>

(d) in the case of an instrument purporting to affect land, which when the instrument was registered was unpatented Crown land, if,

(i) a patent of the land is subsequently registered, or

- (ii) a notice, which was issued by any competent governmental authority, in existence before or after the creation of the Province of Ontario, and which stated that the land was patented, is recorded in the registry office; or
- (e) to an instrument affecting land that was unpatented Crown land at the time of registration of the instrument, where the instrument,
  - (i) was registered in compliance with an Act of Ontario, or
  - (ii) was registered as contemplated by an Act of Ontario and the instrument was either executed or approved on behalf of the Crown by a Minister or other person authorized by law so to do.

Water lots,  
etc.

- (5) An instrument purporting to affect land covered by water shall not be registered unless the registry division in which the land is situate can be readily ascertained from the instrument.

R.S.O. 1960,  
c. 348, s. 33,  
re-enacted

9. Section 33 of *The Registry Act*, as amended by section 10 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor:

When local  
description  
required

- 33.—(1) An instrument that does not contain a local description of the land affected thereby shall not be registered, unless
- (a) the instrument is a plan;
  - (b) the instrument is to be registered as a general registration under subsection 8 of section 20;
  - (c) the instrument is a by-law that does not directly affect title to land
  - (d) the instrument is a certificate of discharge purporting to completely discharge a mortgage to which subsection 5 of section 65 does not apply;
  - (e) the instrument has securely attached to it a declaration in the prescribed form made by a party to the instrument or by his solicitor,



or by his attorney under registered power of attorney, or by the heirs, executors or administrators of a party to the instrument, or, where the party is a corporation, by an officer thereof, stating that the instrument affects land within the registry division, and containing a local description; or

- (f) the instrument is a judgment or order of the court or of a judge, or a certificate or certified or notarial copy of such judgment or order, and has securely attached to it a declaration in the prescribed form, made by one of the parties to the action or by his solicitor, stating that the instrument affects land within the registry division, and containing a local description.

- (2) A registered instrument may be recorded or further recorded in the abstract index upon the registration of a declaration in the prescribed form made by any of the persons mentioned in clauses *e* and *f* of subsection 1. Idem

33a.—(1) In this section, “easement” means an easement, right-of-way, right or licence in the nature of an easement, *profit à prendre* or other incorporeal hereditament, but does not include such an easement arising by operation of law. Interpretation

- (2) Notwithstanding section 15 of *The Conveyancing and Law of Property Act* or any rule of law, an instrument purporting to convey an easement, made after the day on which this section comes into force, does not, as against a *bona fide* purchaser who, for valuable consideration and without actual notice, purchases the servient tenement after the registration of the instrument, convey to the grantee any interest in the easement unless a local description of the affected part of the servient tenement is contained in the instrument by which the conveyance is made. Easements, etc.  
R.S.O. 1960,  
c. 66

10. Subsection 4 of section 34 of *The Registry Act* is repealed. R.S.O. 1960,  
c. 348, s. 34,  
subs. 4,  
repealed

11. Section 37 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 37,  
re-enacted

Affirmation  
or declara-  
tion in  
certain  
cases  
R.S.O. 1960,  
c. 125

37. Where under this Act proof for registration is required in the form of an affidavit, the proof may be in the form of an affirmation or solemn declaration complying with section 18 or 43 of *The Evidence Act*, respectively.

R.S.O. 1960,  
c. 348, s. 40  
(1962-63,  
c. 124, s. 16),  
re-enacted

- 12.** Section 40 of *The Registry Act*, as re-enacted by section 16 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Judge may  
dispense  
with  
affidavit  
of witness

40. Where an instrument that is otherwise capable of registration is not accompanied by an affidavit of execution as required by this Act or is accompanied by an incomplete or defective affidavit of execution, any person who is or claims to be interested in the registration of the instrument may make proof before a judge of any county or district court of the execution of the instrument, and, where a certificate in the prescribed form is endorsed on the instrument and signed by the judge, the certificate shall be received in lieu of the affidavit.

R.S.O. 1960,  
c. 348, s. 42  
(1962-63,  
c. 124, s. 17),  
subs. 1,  
amended

- 13.**—(1) Subsection 1 of section 42 of *The Registry Act*, as re-enacted by section 17 of *The Registry Amendment Act, 1962-63* and amended by section 14 of *The Registry Amendment Act, 1964*, is further amended by striking out "or" at the end of clause *a* and by adding thereto the following clauses:

- (c) the original judgment or order under the seal of the court; or
- (d) a notarial copy of the original judgment or order, certified copy or certificate, if the original judgment or order, certified copy or certificate is produced to the registrar with the notarial copy for verification of the correctness of the notarial copy.

R.S.O. 1960,  
c. 348, s. 42  
(1962-63,  
c. 124, s. 17),  
amended

- (2) The said section 42 is amended by adding thereto the following subsection:

- (3) After the 1st day of January, 1967, an order discharging a mechanic's lien or vacating a certificate of action under *The Mechanics' Lien Act* shall be registered by registering the order or a certificate thereof, under the seal of the court, that includes a local description and a reference to the registration number of every registered claim for lien and certificate of action affected thereby.

Number of  
mechanic's  
lien to be  
included in  
order dis-  
charging,  
etc.

R.S.O. 1960,  
c. 233

R.S.O. 1960,  
c. 348, s. 45,  
re-enacted

- 14.** Section 45 of *The Registry Act* is repealed and the following substituted therefor:

45. A registrar shall not register,

Address of  
grantee to  
be endorsed  
on certain  
instruments

- (a) a deed or other conveyance;
- (b) an agreement for the sale or purchase of land, or an assignment thereof;
- (c) a mortgage, or an assignment thereof;
- (d) a lease, or an assignment thereof, or a notice of a lease or assignment of a lease;
- (e) a claim for a mechanic's lien, or an assignment thereof;
- (f) a notice of a conditional sale contract, or an assignment thereof;
- (g) a certificate of judgment or a final order of foreclosure of a mortgage; or
- (h) a vesting order,

unless there is endorsed on such instrument the place of residence or address for service of each person obtaining or claiming an interest in or in respect of land under the instrument.

15. Section 47 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348, s. 47,  
repealed

16. Section 48 of *The Registry Act*, as re-enacted by section 16 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 348, s. 48  
(1964,  
c. 102, s. 16),  
re-enacted

- 48.—(1) A final order of foreclosure or an instrument purporting to be a conveyance of land under power of sale contained in an unregistered mortgage or a mortgage that has not been recorded in full shall not be registered until the mortgage and any assignment thereof have been duly registered and recorded in full under subsection 2, and a notation of the date of such recording shall be made in the abstract index opposite the entry of the mortgage and assignment, if any.

When  
mortgage  
to be  
recorded  
in full

- (2) Where a mortgage has not been recorded in full, the registrar, upon the application of any person claiming to be interested in the mortgaged land and upon payment of the prescribed fees, less the amount already paid for the registration of the mortgage, shall cause the mortgage to be recorded in full by means of photographic film reproduction.

Idem



R.S.O. 1960,  
c. 348, s. 51,  
repealed

**17. Section 51 of *The Registry Act* is repealed.**

R.S.O. 1960,  
c. 348, s. 52,  
re-enacted

**18.—(1) Section 52 of *The Registry Act*, as amended by section 17 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor:**

Affidavit  
as to age

52.—(1) A deed, conveyance, mortgage, assignment of mortgage, discharge of mortgage, lease, assignment of lease, release or quit claim shall not be registered unless there is made on or securely attached to it an affidavit by each person or one of the persons, other than a corporation, making it, or, if the document is executed by an attorney, by that attorney, deposing that each person making the instrument was of the full age of twenty-one years at the time of execution of the instrument.

Guarantor,  
etc.

(2) On and after the 1st day of January, 1967, where a person executes a mortgage as a guarantor or surety, the mortgage shall not be registered unless there is made on or securely attached to it an affidavit by such person stating whether he was of the full age of twenty-one years at the time he executed the mortgage.

Plan of  
subdivision

(3) A plan of subdivision shall not be registered unless the age of every person, other than a corporation, who executes the plan as an owner or who, as mortgagee consents to the registration of the plan, is proven in the manner and form prescribed by the regulations to be of the full age of twenty-one years at the time of execution of the plan.

Power of  
attorney

(4) A power of attorney made after the 1st day of July, 1964, other than a power of attorney made by a corporation or by a married woman solely for the purpose of barring her dower, shall not be registered unless there is made on or securely attached to it the affidavit of one of the persons by whom it was executed, or by the attorney, deposing that each person by whom the power of attorney was executed was of the full age of twenty-one years at the time of execution of the power of attorney.

Affidavit  
as to  
marriage

(5) A deed, conveyance, mortgage, lease, release or quit claim that is made by a man and in which a woman joins as his wife to bar her dower shall not be registered unless there is made on or securely attached to it an affidavit by such man or woman, or, if the

document is executed by an attorney, by that attorney, deposing that they were married at the time of execution of the instrument.

- (6) A deed, conveyance, mortgage, lease, release or quit claim that is made by a man and in which no person joins as his wife shall not be registered unless there is made on or securely attached to it an affidavit by the man, or, if the document is executed by an attorney, by that attorney, deposing that the man was married, unmarried, divorced or a widower, as the case may be, at the time of execution of the instrument. Affidavit as to marital status
- (7) Where an affidavit required by this section is made by an attorney that is a corporation, the affidavit shall be made by an officer of the corporation. Affidavit by corporate attorney
- (8) Where an instrument that is otherwise capable of registration is not accompanied by an affidavit as required by this section or is accompanied by an incomplete or defective affidavit and a person who is or claims to be interested in the registration of the instrument makes proof before a judge of any county or district court that an affidavit as required cannot be obtained conveniently and that the facts were as are required to be stated by the affidavit, the judge may dispense with the affidavit, and thereupon he shall endorse upon the instrument or securely attach to it his certificate, in the prescribed form, stating the facts that have been proven to his satisfaction, and the judge's certificate shall be received in lieu of the affidavit. Judge may dispense with affidavit
- (9) Subsection 1 does not apply, Where subs. 1 does not apply
- (a) to a wife who joins in an instrument solely for the purpose of barring her dower;
  - (b) to an executor or administrator, the Public Trustee or any other person dealing with lands in a representative capacity; or
  - (c) to an infant who executes an instrument under the authority of a court of competent jurisdiction.
- (10) Subsections 5 and 6 do not apply, Where subs. 5, 6 do not apply
- (a) to a conveyance made in pursuance of a power of sale contained in a mortgage;



- (b) to an instrument made by persons as joint tenants, trustees or under power of appointment or who hold the lands as partnership property if they are so described in a registered conveyance of the lands to them;
- (c) to a mortgage of leasehold lands;
- (d) to a person executing an instrument in his capacity as an executor or administrator or trustee under a will or to the Public Trustee or any other person dealing with lands in a representative capacity; or
- (e) to a lessee.

**Exception**

(2) Notwithstanding subsection 2 of section 55 of this Act, subsection 1 of section 52 of *The Registry Act*, as re-enacted by subsection 1, does not apply in respect of a discharge of a mortgage where the discharge is executed before the 1st day of January, 1967.

R.S.O. 1960,  
c. 348, s. 53,  
subs. 4,  
amended

**19.**—(1) Subsection 4 of section 53 of *The Registry Act*, as amended by section 4 of *The Registry Amendment Act, 1965*, is further amended by adding "or" at the end of clause *j* in the amendment of 1965 and by adding thereto the following clauses:

R.S.O. 1960,  
c. 71

- (k) a corporation exempted from Part IX of *The Corporations Act* under subsection 1 of section 345 of that Act; or

(l) Ontario Development Corporation.

R.S.O. 1960,  
c. 348, s. 53,  
amended

(2) The said section 53 is amended by adding thereto the following subsection:

Idem

R.S.O. 1960,  
c. 324

- (5) This section does not apply in respect of a Crown grant to which section 37 of *The Public Lands Act* applies.

R.S.O. 1960,  
c. 348, s. 54  
(1962-63,  
c. 124, s. 22),  
subs. 5,  
amended

**20.** Subsection 5 of section 54 of *The Registry Act*, as re-enacted by section 22 of *The Registry Amendment Act, 1962-63*, is amended by striking out "shall" in the first line and inserting in lieu thereof "may".

R.S.O. 1960,  
c. 348, s. 55  
(1962-63,  
c. 124, s. 22),  
subs. 1,  
re-enacted

**21.**—(1) Clause *b* of subsection 1 of section 55 of *The Registry Act*, as re-enacted by section 22 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor:

(b) shall cause every page thereof to be stamped with a perforating stamp bearing the word "Registered"; and

(c) shall cause it to be recorded,

(i) on photographic film, and

(ii) in the proper abstract index, or in the general register index, or in the by-law index, and

(iii) subject to the regulations, in the alphabetical index.

(2) Subsection 4 of the said section 55 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 348, s. 55  
(1962-63,  
c. 124, s. 22),  
subs. 4,  
re-enacted

(4) Clause *b* and subclauses *i* and *iii* of clause *c* of subsection 1 do not apply in the case of a plan of subdivision or other registered plan.

Exception  
as to plans

**22.** Section 57 of *The Registry Act*, as re-enacted by section 23 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 348, s. 57  
(1962-63,  
c. 124, s. 23),  
re-enacted

57. Where by any Act of Canada or Ontario an order in council or a certified copy thereof is required to be registered or deposited in a registry office, the order or a certified copy thereof may be registered and recorded,

Orders in  
council

(a) in the case of an order that does not contain a local description, as a general registration; or

(b) in the case of an order that contains a local description, in the abstract index.

**23.—**(1) Subsections 1, 2 and 3 of section 58 of *The Registry Act* are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 348, s. 58,  
subs. 1,  
re-enacted;  
subs. 2, 3,  
repealed

(1) A will shall be registered by registering,

Wills

(a) the original will or a notarial copy thereof with,

(i) an affidavit sworn by one of the subscribing witnesses to the will proving the due execution thereof by the testator, and

(ii) an affidavit by one of the subscribing witnesses or by some other person stating that the testator is dead;

(b) the letters probate or letters of administration with the will annexed or a notarial copy thereof; or

(c) an exemplification or certified copy of the letters probate or letters of administration with the will annexed under the seal of the court that granted such letters or a notarial copy of such exemplification or certified copy.

R.S.O. 1960,  
c. 348, s. 58,  
subss. 4, 5,  
re-enacted

(2) Subsections 4 and 5 of the said section 58 are repealed and the following substituted therefor:

Consent of  
Treasurer  
required

(4) Except with the consent in writing of the Treasurer of Ontario or of some person authorized by him to consent,

(a) an original will; or

(b) letters probate, letters of administration with the will annexed, or any other grant based on a will given by a court outside Ontario having jurisdiction in probate matters,

or an exemplification, certified or notarial copy thereof shall not be registered under subsection 1.

Notarial  
copy of  
will, etc.

(5) Where, at the time of registration of a notarial copy under this section, the will or other instrument is produced to the registrar, he shall endorse his certificate of registration upon and return the will or other instrument.

R.S.O. 1960,  
c. 348, s. 58,  
subss. 8-10,  
re-enacted

(3) Subsections 8, 9 and 10 of the said section 58 are repealed and the following substituted therefor:

Notarial  
copy of  
general  
certificate

(8) Where, at the time of registration of a general certificate under subsection 7, a notarial copy thereof is produced to the registrar, he shall endorse his certificate of registration upon and return the copy.

Recording  
certificate

(9) A general certificate under subsection 7 shall be registered as a general registration, and shall also be recorded in the proper abstract index if any land is specifically referred to therein.



- (10) Notwithstanding anything in this section, a consent under subsection 6 or a general certificate under subsection 7 is required only once in connection with the same property in the same estate. Consent, etc., required only once

**24.** *The Registry Act* is amended by adding thereto the following section: R.S.O. 1960, c. 348, amended

- 58a. A consent under the *Estate Tax Act* (Canada) may be registered separately, or may be registered attached to an instrument in the same instances and in the same manner as a consent of the Treasurer of Ontario under subsection 6 of section 58. Consent under 1958, c. 29 (Can.)

**25.** Section 60 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 60, re-enacted

60. An instrument purporting to convey or otherwise deal with land in any manner shall not be registered if executed by any person as devisee, legatee, executor or administrator of the estate of a deceased person who at the time of his death appears from the instrument to have been in any wise possessed of or interested in the land in question unless before the time of registration of the instrument the will or the letters probate of the will or the letters of administration under which the person executing the instrument claims to be entitled has or have been registered in the registry division in which the land in question is situate and the registration date and number thereof have been inserted in the body of the instrument or in its margin. Where registration of will, etc., required

**26.**—(1) Subsection 1 of section 65 of *The Registry Act*, as amended by section 27 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 65, subs. 1, re-enacted

- (1) A certificate of discharge, in the prescribed form, of a registered mortgage, executed by the mortgagee, his executor, administrator or assignee, or by such other person as may be entitled by law to receive the money and to discharge the mortgage, may be registered. Discharge of mortgage

(2) Subsection 5 of the said section 65 is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 65, subs. 5, re-enacted

- (5) Where land is mortgaged and subsequently subdivided by a registered plan of subdivision, judge's plan, registrar's compiled plan, or any other regis- Where plan registered after mortgage

tered plan by which lots are created, any certificate of discharge of the mortgage shall contain a description of the affected land with reference to the plan.

R.S.O. 1960,  
c. 348,  
amended

**27.** *The Registry Act* is amended by adding thereto the following section:

Change of  
name of  
mortgagee

65a. Subject to section 66, where, after the registration of a mortgage, the name of the person or corporation entitled to receive the money and to discharge the mortgage has changed or been changed, an explanation of the change of name,

R.S.O. 1960,  
c. 49

(a) shall, in the case of a change of name by order under *The Change of Name Act* or by supplementary letters patent, be noted in the body or margin of the certificate of discharge, with reference to the registration number of the certificate of order or supplementary letters patent;

(b) shall, if made by an Act of Ontario or of any other jurisdiction, be noted in the body or margin of the certificate of discharge, with reference to the Act; or

(c) shall, if made upon or in consequence of adoption, marriage, annulment or dissolution of marriage, or in any other way, be set forth in a declaration, attached to the certificate of discharge, made by the person signing the certificate of discharge or by his solicitor.

R.S.O. 1960,  
c. 348, s. 68,  
subs. 1,  
amended

**28.**—(1) Subsection 1 of section 68 of *The Registry Act* is amended by striking out "tendered for registration or" in the eighth line, so that the subsection shall read as follows:

Registration  
of discharge  
given by  
person other  
than the  
mortgagee

(1) Where the person entitled to receive the mortgage money and to discharge a registered mortgage is not the original mortgagee, he shall, at his own expense, cause to be registered before the registration of the certificate of discharge all the instruments or documents through which he claims interest in and title to the mortgage money, and until those instruments or documents are registered the certificate of discharge shall not be registered.

R.S.O. 1960,  
c. 348, s. 68,  
subs. 5, 6,  
repealed

(2) Subsections 5 and 6 of the said section 68 are repealed.



**29.** Section 70 of *The Registry Act* is amended by inserting after "Act" in the fifth line "and the regulations", so that the section shall read as follows: R.S.O. 1960,  
c. 348, s. 70,  
amended

70. Every certificate of payment or discharge of a mortgage or of the conditions therein or of the lands or any part thereof, at any time given, and whether before or after the time limited by the mortgage for payment or performance, if in conformity with this Act and the regulations is, when registered, a discharge of the mortgage or of the lands described in the certificate, as the case may be, and is as valid and effectual in law as a release of the mortgage or of the lands and as a conveyance to the mortgagor, his heirs or assigns of the original estate of the mortgagor therein. Effect of  
registration  
of discharge  
of mortgage

**30.** *The Registry Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 348,  
amended

70a.—(1) In this section, Inter-  
pretation

- (a) "deed to uses" means a deed purporting to grant or convey land to such uses as the grantee may appoint, regardless of the method of appointment specified in the deed, and, until appointment or in default of appointment, purporting to grant or convey the land to the use of the grantee absolutely, and includes every such deed containing words of like import, but does not include a mortgage;

- (b) "grantee to uses" means a grantee named in a deed to uses.

- (2) A mortgage made by a grantee to uses does not exhaust his power of appointment. Mortgage  
does not  
exhaust  
power

- (3) Notwithstanding the registration of a discharge of, Effect of  
discharge  
of mortgage

- (a) a mortgage that was made by a grantee to uses; or

- (b) a mortgage to which the land was subject when the grantee to uses became the grantee,

the grantee to uses may exercise his power of appointment as though the mortgage had not been made.

Application

(4) This section applies to,

- (a) land conveyed by a deed to uses registered on or after the day on which this section comes into force; and
- (b) land conveyed by a deed to uses registered before the day on which this section comes into force, but not conveyed or devised until after that day by the grantee to uses by a deed or will.

R.S.O. 1960,  
c. 348, s. 71,  
subs. 4,  
repealed

**31.** Subsection 4 of section 71 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348, s. 73,  
subs. 1,  
amended

**32.**—(1) Subsection 1 of section 73 of *The Registry Act* is amended by striking out "and the certificate purporting to be the discharge thereof" in the second and third lines and inserting in lieu thereof "by an instrument that", so that the subsection shall read as follows:

Marking off  
certain  
entries

- (1) Where a mortgage registered since the 1st day of January, 1890, is purported to be discharged by an instrument that has been registered for ten or more years, and wherever a certificate of *lis pendens* registered since the 1st day of January, 1890, has been vacated and the certificate of the judgment or order vacating it has been registered for two or more years, the registrar shall, wherever the mortgage or the discharge thereof or any other instrument dealing exclusively with the mortgage and wherever the certificate of *lis pendens*, certificate of judgment or order vacating the same appear on any abstract index in his office, draw a line in red ink through all such entries and initial and date the same, and the lands described in the mortgage or certificate of *lis pendens* are validly discharged therefrom.

R.S.O. 1960,  
c. 348, s. 73,  
subs. 2,  
re-enacted

(2) Subsection 2 of the said section 73 is repealed and the following substituted therefor:

Partial  
discharge of  
mortgage

- (2) Where an instrument purporting to partially discharge a mortgage registered since the 1st day of January, 1890, has been registered for ten or more years and the mortgage does not affect any portion

of the lot other than the portion described in the instrument, the provisions of subsection 1 apply to the partial discharge in like manner as they would to the mortgage if wholly discharged.

(3) The said section 73 is amended by adding thereto the following subsections: R.S.O. 1960,  
c. 348, s. 73,  
amended

(7) Where an instrument is registered purporting to discharge a registered notice of a conditional sale contract and the discharge has been registered for two or more years, the registrar shall, if the discharge was registered after the 1st day of January, 1967, and may, if registered before that date, draw a line in red ink through the entries of the notice and of the discharge, and of any intervening assignment in the abstract index and initial and date the same, and thereupon the notice and assignment, if any, shall be validly discharged to the same effect thereafter with respect to persons dealing with the land mentioned or referred to therein as if the notice and assignment had not been registered under this Act. Conditional  
sales

(8) Where a notice of the granting of a pension was registered under section 13 of *The Old Age Pensions Act*, being chapter 258 of the Revised Statutes of Ontario, 1950, or any predecessor of that section, the registrar shall draw a line in red ink through the entry of the notice and of any registered discharge thereof in the abstract index and initial and date the same. Pension  
notices

**33.** Subsections 1 and 2 of section 75 of *The Registry Act* are repealed. R.S.O. 1960,  
c. 348, s. 75,  
subss. 1, 2,  
repealed

**34.** Subsection 3 of section 75a of *The Registry Act*, as enacted by section 32 of *The Registry Amendment Act, 1962-63*, is repealed. R.S.O. 1960,  
c. 348, s. 75a  
(1962-63,  
c. 124, s. 32),  
subss. 3,  
repealed

**35.** Section 80 of *The Registry Act* is amended by adding thereto the following subsections: R.S.O. 1960,  
c. 348, s. 80,  
amended

(2) Subsection 1 does not apply to an instrument entered in the by-law index or to an instrument registered as a general registration under subsection 5 or 8 of section 20 or under predecessors of those subsections, Where  
subs. 1  
does not  
apply



- (a) unless an entry of the instrument appears in the abstract index;
- (b) unless an entry of a declaration under subsection 2 of section 33 or a predecessor of that subsection referring to the instrument appears in the abstract index;
- (c) unless the instrument is mentioned in a subsequently registered instrument and an entry of the latter instrument or of a declaration referring thereto, as mentioned in clause b, appears in the abstract index; or
- (d) unless the instrument is a claim for lien under *The Mechanics' Lien Act* against land that constitutes the line of railway or right-of-way of a railway company.

R.S.O. 1960,  
c. 233

Saving

- (3) Subsection 2 does not, in respect of a lot or a part of a lot, alter the effect of registration of an instrument registered before the day on which that subsection comes into force if, within three years after that day, the instrument is re-registered or a declaration under subsection 2 of section 33 referring to the instrument is registered and an entry of the instrument or declaration is made in the abstract index for the lot or the part.

R.S.O. 1960,  
c. 348, s. 82,  
amended

**36.** Section 82 of *The Registry Act* is amended by adding thereto the following subsection:

Application  
of subs. 1

- (2) Subsection 1 does not apply in respect of a lot or a part of a lot unless an entry of the will, probate or letters of administration with the will annexed has been made in the abstract index for the lot or the part.

R.S.O. 1960,  
c. 348, s. 86  
(1964,  
c. 102, s. 22),  
subs. 3, 4,  
re-enacted

**37.**—(1) Subsections 3 and 4 of section 86 of *The Registry Act*, as re-enacted by section 22 of *The Registry Amendment Act, 1964*, are repealed and the following substituted therefor:

Instruments  
to conform  
to plan

- (3) Subject to section 90, an instrument affecting the land on a plan or any part thereof, executed after the plan is registered, except an instrument registered under subsection 5 or 8 of section 20, shall not be registered unless it refers and conforms to the plan.

Effect of  
mortgagee's  
consent

- (4) The consent of the mortgagee to a plan of subdivision, when registered, discharges from the mortgage any land dedicated by the owner as a public

highway and any land designated as a reserve that is conveyed to the corporation of the municipality in which the land is situate.

(2) Subsection 7 of the said section 86 is amended by striking out "and, except in the case of a corporation, every such signature is verified by affidavit" in the eighth and ninth lines, so that the subsection shall read as follows: R.S.O. 1960, c. 348, s. 86 (1964, c. 102, s. 22), subs. 7, amended

(7) The registrar shall not register a plan of a sub-division of land unless the person by whom or on whose behalf the plan is tendered for registration appears on the registry books to be the owner of the land, or unless the consent in writing of every person who appears by the registry books to be a mortgagee of the land is endorsed on the plan and signed by every such person, but nothing in this section shall be deemed to require the consent to any such plan of the owner of an easement or right in the nature of an easement in respect of the land. Registrar not to file plans for anyone but owner or without consent of mortgagees

(3) The said section 86 is amended by adding thereto the following subsection: R.S.O. 1960, c. 348, s. 86 (1964, c. 102, s. 22), amended

(9) Notwithstanding subsection 2 of section 34 and subsection 7 of this section, the consents of the mortgagees and the required affidavits may be omitted from the plan if they are included in an instrument, to be known as a "Plan Document", in the form prescribed and registered in the manner provided by the regulations. Plan Document

**38.** Subsection 1c of section 88 of *The Registry Act*, as enacted by subsection 1 of section 23 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 88, subs. 1c (1964, c. 102, s. 23, subs. 1), re-enacted

(1c) Where a compiled plan is registered under subsection 1a, Effect of compiled plan

(a) subject to section 90, an instrument affecting the land executed after the plan is registered, except an instrument registered under subsection 5 or 8 of section 20, shall not be registered unless it refers to the plan; and

(b) the plan is binding on all persons subsequently dealing with the land or any part thereof included in the plan or any interest in or con-



cerning the same, but does not affect the rights or interests of any owner or other person entitled at or before the date of registration.

R.S.O. 1960,  
c. 348, s. 89,  
amended

**39.** Section 89 of *The Registry Act* is amended by adding at the commencement thereof "Subject to the regulations", so that the section shall read as follows:

Registration  
of instru-  
ment  
referring to  
an unregis-  
tered plan

89. Subject to the regulations, no instrument referring to an unregistered plan shall be registered unless an instrument referring to the plan has been registered in respect of the same land, and, if the registrar objects to the registration of an instrument on the ground that it refers to an unregistered plan, he may refuse to register the instrument unless the person desiring its registration refers the registrar to the number of an instrument registered in respect of the same land referring to the unregistered plan.

R.S.O. 1960,  
c. 348,  
amended

**40.** *The Registry Act* is amended by adding thereto the following section:

When  
registered  
plan not  
signed by  
an owner  
becomes  
binding

91a.—(1) Where a parcel of land has been included in a registered plan of subdivision that was not signed by the owner of the parcel, and the parcel is subsequently described in a registered deed or other conveyance as being within the plan, the plan is as binding upon the grantee of the parcel and all persons claiming under him as if the plan had been signed by the owner of the parcel.

Saving

(2) Subsection 1 does not affect the rights of a mortgagee whose mortgage was registered before the deed or other conveyance, mentioned in subsection 1, was registered.

R.S.O. 1960,  
c. 348, s. 92a  
(1964,  
c. 102, s. 25),  
amended

**41.**—(1) Section 92a of *The Registry Act*, as enacted by section 25 of *The Registry Amendment Act, 1964*, is amended by inserting after "block" in the second line "or adds to a plan land that was previously not included therein", so that subsection 1 of the said section shall read as follows:

Registration  
of amended  
plan

(1) Where an amendment to a plan under section 91 or 92 alters the size or boundaries of any lot or block or adds to a plan land that was previously not included therein, the amendment does not take effect until a new plan of subdivision showing the amendments is registered with the amending order, and the provisions of this Act that apply to plans of sub-

division, and the provisions of *The Planning Act* R.S.O. 1960, c. 296 respecting the approval of plans of subdivision apply to the amended plan.

(2) The said section 92a is further amended by adding there- R.S.O. 1960, c. 348, s. 92a (1964, c. 102, s. 25), amended to the following subsection:

(2) This section does not apply to an order authorizing Saving a registrar to correct any erroneous measurement upon, or any error, defect or omission in, any registered plan, and, subject to the regulations under *The Certification of Titles Act*, the judge may, upon R.S.O. 1960, c. 48 an application made to him by the registrar or by a municipal council or by a person to whom subsection 2 of section 91 applies and upon production of evidence satisfactory to the judge, and either upon giving such notice to interested parties as he deems appropriate or *ex parte*, make an order authorizing such corrections.

**42.** Section 93 of *The Registry Act* is repealed and the R.S.O. 1960, c. 348, s. 93, re-enacted following substituted therefor:

93. Where land has been sold in accordance with or by Un-registered plans of subdivision, etc. reference to surveys or subdivisions that so differ from the manner in which the land was surveyed or granted by the Crown that parcels so sold cannot be easily identified unless the plan is registered, the plan shall be registered if still in existence and procurable for registration.

93a.—(1) Where land in a municipality has been sold Municipal plans under surveys or subdivisions made in a manner that so differs from that in which the land was surveyed or granted by the Crown that the parcels sold cannot be easily identified, and the plan has not been registered, the council of the municipality may cause a plan of the land to be made and, with the approval of the Inspector endorsed thereon, registered, and the expenses of the preparation and registration of the plan may be paid in whole or in part by a special rate to be levied by assessment on the land comprised in the plan as described in a by-law to be passed for the purpose of levying such rate.

(2) A plan prepared under subsection 1 shall show such Designation of lots subdivisions of original lots as are shown by registered plans, and such as are not so shown but appear from the instruments relating to the land, with each

of the lots as shown on the new plan numbered or lettered in such a manner that they may be readily identified.

Plan to  
comply with  
regulations

- (3) A plan under this section shall be prepared and registered in accordance with the regulations.

Subsequent  
dealings

- (4) Where a plan is registered under this section,
- (a) subject to section 90, an instrument affecting the land executed after the plan is registered, except an instrument registered under subsection 5 or 8 of section 20, shall not be registered unless it refers to the plan; and
  - (b) the plan is binding on all persons subsequently dealing with the land or any part thereof included in the plan or any interest in or concerning the same, but does not affect the rights or interests of any owner or other person entitled at or before the date of registration.

R.S.O. 1960,  
c. 348, s. 94,  
repealed

**43.**—(1) Section 94 of *The Registry Act*, as amended by subsection 1 of section 26 of *The Registry Amendment Act, 1964*, is repealed.

Saving

(2) Notwithstanding subsection 1, the said section 94 continues to apply to any plan registered, ordered to be registered or in the course of preparation for registration before this section comes into force.

R.S.O. 1960,  
c. 348, s. 94a  
(1964,  
c. 102, s. 27),  
amended

**44.** Section 94a of *The Registry Act*, as enacted by section 27 of *The Registry Amendment Act, 1964* and amended by section 7 of *The Registry Amendment Act, 1965*, is further amended by adding thereto the following subsection:

Subsequent  
dealings

- (11) Subject to section 90, where a plan is registered under this section, an instrument affecting the land executed after the plan is registered, except an instrument registered under subsection 5 or 8 of section 20, shall not be registered unless it refers and conforms to the plan.

R.S.O. 1960,  
c. 348, s. 96  
(1962-63,  
c. 124, s. 37),  
subs. 1,  
cl. b,  
amended

**45.** Clause *b* of subsection 1 of section 96 of *The Registry Act*, as re-enacted by section 37 of *The Registry Amendment Act, 1962-63*, is amended by striking out "more than ten acres" in the first and second lines and inserting in lieu thereof "ten acres or more", so that the clause shall read as follows:



- (b) unless the land described is ten acres or more in area and the unaffected remnant, if any, remaining in the owner is also ten acres or more; or

**46.** Section 107 of *The Registry Act*, as re-enacted by section 40 of *The Registry Amendment Act, 1962-63*, is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 348, s. 107  
(1962-63,  
c. 124, s. 40),  
amended

- (4) Every registrar, other than a registrar in a provisional judicial district, shall transmit to the treasurer of the county or city for which or for part of which he is registrar a duplicate of his annual return on or before the 31st day of January of the year next following the year in respect of which it is made. Duplicate  
return

**47.** *The Registry Act* is amended by repealing, R.S.O. 1960,  
c. 348,  
ss. 109-111,  
113, 114,  
re-enacted;  
s. 115, s. 116  
(1962-63,  
c. 124, s. 45),  
repealed

- (a) section 109, as amended by section 42 of *The Registry Amendment Act, 1962-63*;
- (b) sections 110 and 111;
- (c) section 113, as amended by section 44 of *The Registry Amendment Act, 1962-63* and section 30 of *The Registry Amendment Act, 1964*;
- (d) sections 114 and 115; and
- (e) section 116, as re-enacted by section 45 of *The Registry Amendment Act, 1962-63*,

and substituting therefor the following:

109. Every registrar shall, on or before the 7th day of January in each year, transmit to the head of any municipality to which he has made payments in accordance with section 113 during the next preceding year a statement signed by him showing the amounts so paid and the dates of payment, and the head of the municipality receiving the statement shall cause it to be laid before the auditors when auditing the accounts of that year, and shall also read it at the first meeting of the council held after its receipt. Registrars  
to send  
statement  
of amounts  
paid to  
head of  
municipality

**110.** In sections 111, 112, 113 and 119, Interpre-  
tation

- (a) "disbursements" includes salaries, wages and employment benefits;

- (b) "surplus fees" means the excess of all fees and emoluments received during the calendar year, including fees received under *The Land Titles Act* by a registrar who is also a master of titles, after deducting the disbursements incidental to the business of his office.

R.S.O. 1960,  
c. 204

Registrars  
in the  
districts

111. A registrar in a provisional judicial district shall pay monthly to the Treasurer of Ontario the excess of his gross income, including income earned by him as master of titles, over the disbursements authorized under section 119 and shall forward every such payment to the Inspector, together with a monthly return in such form as is approved by the Inspector.

Salaries

- 112.—(1) The Lieutenant Governor in Council shall, by order in council, prescribe the manner in which the salaries of registrars shall be established.

Idem

- (2) Where it appears by the report of the Inspector that in any year a registrar or an officer holding the office of registrar and master of titles has derived from the fees and emoluments of his office, after deducting necessary disbursements, an income that is less than his fixed annual salary, there shall be paid to such registrar or officer, out of the Consolidated Revenue Fund, an amount sufficient to make up the income for the year to his fixed annual salary.

Registrar  
to pay  
surplus fees  
to treasurer  
R.S.O. 1960,  
c. 204

- 113.—(1) Subject to subsections 2 and 3 and to section 5b of *The Land Titles Act*, every registrar shall pay to the treasurer of the county or city for which or for part of which he is registrar the surplus fees of his office.

How  
computed  
in certain  
cases

- (2) Where a registry division includes a county or part of a county and a city or town separated from the county for municipal purposes, the surplus fees shall be paid to the treasurer of the county and to the treasurer of the city or town for the use of each municipality in the proportions in which the fees are derived from registrations in respect of land situate in the county and in the city or town respectively.

Division  
of surplus  
fees under  
subs. 2

- (3) Notwithstanding subsection 2, the Inspector may, in respect of any registry division, direct that the fees payable to the county and to a city or town shall be computed,



- (a) in the proportion that the number of instruments affecting land in the county bears to those affecting land in the city or town; or
- (b) upon the joint application of the county and of the city or town, in the proportions requested in the application.

- (4) The registrar shall pay 70 per cent of the surplus fees in accordance with this section on or before the 31st day of January of the year next following the year in which the fees were received and shall pay the balance when the Inspector notifies the registrar that his annual return has been audited and found to be correct, or on the 31st day of March of the same year, whichever occurs first. When payment to be made

114. Section 109, subsection 2 of section 112 and section 113 do not apply to a registrar in a provisional judicial district. Exception

48. Section 117 of *The Registry Act* is amended by striking out "or percentage" in the fifth line. R.S.O. 1960, c. 348, s. 117, amended

49. Section 125 of *The Registry Act* is amended by striking out "\$5" in the eleventh line and inserting in lieu thereof "\$50". R.S.O. 1960, c. 348, s. 125, amended

50. Subsection 1 of section 126 of *The Registry Act*, as re-enacted by section 48 of *The Registry Amendment Act, 1962-63* and amended by section 32 of *The Registry Amendment Act, 1964*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 348, s. 126 (1962-63, c. 124, s. 48), subs. 1, amended

- (na) requiring, in connection with an instrument presented for registration, proof of compliance with any law that if not complied with might detrimentally affect the title or interest of a person claiming title or an interest under the instrument, and governing the form and manner of presentation of such proof.

- 51.—(1) Subsection 1 of section 130 of *The Registry Act*, as enacted by section 33 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 130 (1964, c. 102, s. 33), subs. 1, re-enacted

- (1) Upon receiving the requisition under section 129 and the documents therein mentioned, the registrar shall cause the word "deposited" with the date and deposit number to be endorsed on the requisition. Numbering, etc.

Idem

- (1a) Deposits shall be numbered consecutively in order of time of receipt, in accordance with subsections 1 and 5 of section 54, as though they were instruments or a separate class of instruments.

R.S.O. 1960,  
c. 348, s. 130  
(1964,  
c. 102, s. 33),  
subs. 3,  
amended

- (2) Subsection 3 of the said section 130 is amended by adding at the end thereof "and, where the deposit refers to only a part of a lot, the entry in the abstract index shall include a reference to the part of the lot", so that the subsection shall read as follows:

Entry in  
abstract  
index

- (3) Where a deposit refers to a lot or parcel of land, the registrar shall enter in red ink in the abstract index against each such lot or parcel the words "See Deposit No. . . .", and, where the deposit refers to only a part of a lot, the entry in the abstract index shall include a reference to the part of the lot.

R.S.O. 1960,  
c. 348, s. 130  
(1964,  
c. 102, s. 33),  
subs. 4,  
re-enacted

- (3) Subsection 4 of the said section 130 is repealed and the following substituted therefor:

Recording

- (4) The registrar shall record every document deposited under this Part at full length by means of photographic film reproduction.

R.S.O. 1960,  
c. 348,  
amended

- 52.** *The Registry Act* is amended by adding thereto the following Part:

### PART III

#### INVESTIGATION OF TITLES

Interpre-  
tation

#### 133. In this Part,

- (a) "claim" means a right, title, interest, claim or demand of any kind or nature whatsoever affecting land set forth in, based upon or arising out of a registered instrument, and, without limiting the generality of the foregoing, includes mortgages, liens, easements, agreements, contracts, options, charges, annuities, leases, dower rights whether inchoate or otherwise, and restrictions as to the use of land or other encumbrances affecting land;
- (b) "owner" means a person, other than a lessee or a mortgagee, entitled to a freehold or other estate or interest in land at law or in equity, in possession, in futurity or in expectancy.

134. A person dealing with land shall not be required to show that he is lawfully entitled to the land as owner thereof through a good and sufficient chain of title during a period greater than the forty years immediately preceding the date of such dealing, except in respect of claims referred to in subsection 2 of section 135.

135.—(1) A claim that has been in existence for longer than forty years does not affect land to which this Act applies unless the claim has been acknowledged or specifically referred to or contained in an instrument or a notice under this Part or under *The Investigation of Titles Act*, being chapter 193 of the Revised Statutes of Ontario, 1960 or any predecessor thereof, registered against the land within the forty-year period.

(2) Subsection 1 does not apply to,

Exceptions

- (a) a claim of the Crown reserved by letters patent or a claim of the Crown in unpatented land or in land for which letters patent have been issued, but which has reverted to the Crown by forfeiture or cancellation of the letters patent, or in land that has otherwise reverted to the status of unpatented Crown land;
- (b) a claim of the Crown or of a municipality in respect of any public highway or lane;
- (c) a wife's claim to an inchoate right to dower in land while her husband is wholly or in part the owner thereof;
- (d) a claim to an unregistered right-of-way or other easement or right that a person is openly enjoying and using;
- (e) a claim to a freehold estate in land or an equity of redemption therein by a person shown by the abstract index for the land as being so entitled prior to any forty-year period and continuously shown by the abstract index for the land during the forty-year period and thereafter as being so entitled; or



(f) any claim imposed by a statutory enactment.

Idem

(3) For the purposes of subsection 1,

- (a) a wife's claim to an inchoate right to dower in land shall be deemed to be acknowledged in an instrument by which her husband alienates the land; and
- (b) an instrument, the entry of which has been marked off the abstract index under section 73, shall be deemed not to have been registered.

Registration  
of notice  
of claim

136.—(1) A person having a claim against land that is not barred under section 135 or a person on his behalf may register in the proper registry office a notice, which shall set forth the claimant's full name and address, a local description of the land and a detailed statement of the claim verified by the affidavit of the person registering the notice.

Idem

(2) Notwithstanding subsection 1 of section 135 and subsection 1 of this section, a notice of a claim that has expired by virtue of the operation of subsection 1 of section 135 may be registered under subsection 1 of this section if there has been no intermediate registered dealing with the land, and such registration has the same effect as if done within the time limited by subsection 1 of section 135.

Registration  
not to  
validate  
expired  
claim

(3) The registration of a notice under subsection 1 does not validate a claim that has otherwise expired.

Part  
to prevail  
over other  
provisions

137. Where there is any conflict between the provisions of this Part and those of any other Act or any regulation made thereunder or any rule of law, the provisions of this Part prevail.

1964, c. 102,  
ss. 8, 34,  
repealed

**53.** Sections 8 and 34 of *The Registry Amendment Act, 1964* are repealed.

Validity  
of prior  
registrations  
not affected

**54.** Except as provided in,

- (a) section 31 of *The Registry Act*, as re-enacted by section 8 of this Act;
- (b) section 70a of *The Registry Act*, as enacted by section 30 of this Act;

(c) section 80 of *The Registry Act*, as amended by section 35 of this Act; and

(d) sections 133, 134, 135, 136 and 137 of *The Registry Act*, as enacted by section 52 of this Act,

no provision of *The Registry Act* effected by this Act affects the validity or legal consequence, as the case may be, of the registration of any instrument that was registered before such provision came into force.

**55.**—(1) This Act, except sections 1 to 18, 20 to 45 and 49 to 54, comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

(2) Section 18 shall be deemed to have come into force on the 1st day of July, 1964. <sup>Idem</sup>

(3) Sections 5, 8, 9, 23, 30, 35, 36 and 52 come into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Idem</sup>

(4) Sections 1 to 4, 6, 7, 10 to 17, 20 to 22, 24 to 29, 30 to 34, 37 to 45, 49 to 51, 53 and 54 come into force on the 1st day of January, 1967. <sup>Idem</sup>

**56.** This Act may be cited as *The Registry Amendment Act*, 1966. <sup>Short title</sup>



An Act to amend The Registry Act

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*1st Reading*

April 22nd, 1966

*2nd Reading*

May 6th, 1966

*3rd Reading*

June 15th, 1966

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MR. WISHART

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# **BILL 98**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Land Titles Act**

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**MR. WISHART**

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#### EXPLANATORY NOTES

SECTION 1. The clause is re-enacted to delete a reference to local master of titles. At present, only the officer in charge of the land titles office at Toronto is styled the "master of titles", the officers in charge of all other land titles offices being styled "local masters of titles". As the supervisory functions of the master at Toronto have been transferred to the director of titles, the nomenclature is being revised so that local masters will in future be styled "masters of titles" for their respective localities.

SECTION 2. The Act has been extended to the counties of Welland, Essex, Oxford and Wentworth under subsection 4 of section 3 of the Act. These counties are therefore being added to the list in section 2.

SECTION 3. Section 4 of the Act is repealed as being obsolete. It contained provisions for the extension of the Act upon the petition of ratepayers who were required to assume financial responsibility for the land titles office for the first year. In practice, all extensions of the Act are made under section 3.

Under the new section 4, which is a re-enactment of section 12 of the Act, the registrar rather than the referee under *The Quieting Titles Act* will become *ex officio* the first master of titles for a locality to which the Act is extended.

## An Act to amend The Land Titles Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *i* of section 1 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 204, s. 1,  
cl. i,  
re-enacted

- (i) "proper master of titles" means the master of titles in whose office the land affected or intended to be affected by any proceeding, instrument or document is or may be registered.

**2.** Subsection 1 of section 2 of *The Land Titles Act*, as re-enacted by section 2 of *The Land Titles Amendment Act, 1961-62*, is amended by adding thereto the following clauses: R.S.O. 1960,  
c. 204, s. 2  
(1961-62,  
c. 70, s. 2),  
subs. 1,  
amended

- (i) the County of Welland, including every local municipality in the County;
- (j) the County of Essex, including every local municipality in the County;
- (k) the County of Oxford, including every local municipality in the County;
- (l) the County of Wentworth, including every local municipality in the County.

**3.** Section 4 and section 5, as amended by section 3 of *The Land Titles Amendment Act, 1961-62*, of *The Land Titles Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 204,  
ss. 4, 5,  
re-enacted

- 4.—(1)** Where the operation of this Act is extended under section 3 to a county or to a part of a county comprising one registry division, the registrar is *ex officio* the first master of titles for the county or registry division, as the case may be. First  
master of  
titles where  
operation  
of Act  
extended

Idem

- (2) Where the operation of this Act is extended to a county that comprises more than one registry division, unless the Lieutenant Governor in Council names one of the registrars as first master of titles for the county, each registrar is *ex officio* the first master of titles for his registry division.

Appoint-  
ment of  
masters

5. Notwithstanding section 4, the Lieutenant Governor in Council may appoint a master of titles for any locality in which this Act is in force, to be styled the "Master of Titles" for the county, city, town or district, or as the case may be, as designated by the Lieutenant Governor in Council.

Operation  
of land  
titles  
offices

- 5a.—(1) Subject to subsection 2 of section 4 and except as provided by subsections 2 and 3, every land titles office shall be operated as a part of the registry office for the registry division to which this Act has been extended.

Land titles  
office for  
County of  
York

- (2) The land titles office for the County of York, including every local municipality in the County and The Municipality of Metropolitan Toronto, shall continue to be operated in Toronto as a separate office.

Land titles  
office for  
County of  
Carleton

- (3) The land titles office for the County of Carleton, including every local municipality in the County, shall continue to be operated in conjunction with the local offices of the court in Ottawa until such time as the Lieutenant Governor in Council otherwise orders.

Fees,  
land titles  
office at  
Toronto

- 5b.—(1) The master of titles at Toronto shall pay to the Treasurer of Ontario all fees received under this Act, after payment of such disbursements as have been authorized by the Inspector.

Fees,  
registry  
offices in  
Toronto

- (2) The registrar for the Registry Division of the East and West Ridings of the County of York and the registrar for the Registry Division of Toronto shall pay to the Treasurer of Ontario all fees received under *The Registry Act* and under *The Partnerships Registration Act*, after payment of salaries and employment benefits and of such disbursements as are authorized by the Inspector.

R.S.O. 1960,  
cc. 348, 289Treasurer  
to pay  
surplus to  
Metro-  
politan  
Toronto

- (3) After deducting from the moneys received under subsections 1 and 2 the amount of the salaries of the master of titles at Toronto and his staff, their employment benefits and all other expenditures made



Section 5 of the Act is re-enacted as sections 5, 5a and 5b for purposes of clarification and involves no change in practice.

The present subsections 1 and 2 of section 5 of the Act require a registrar of deeds in a county to which *The Land Titles Act* has been extended to pay his surplus fees to the Treasurer of Ontario to be used by the Treasurer to offset the deficit, if any, in the operation of the land titles office for the county. These provisions contemplated that the cost of operation of a land titles office in a county would be borne initially by the Province. By an amendment made in 1962, the operation of the present subsections 1 and 2 of section 5 of the Act was restricted to the County of York.

The present subsection 3 of section 5 of the Act provides for the appointment of local masters of titles. The new section 5 re-enacts subsection 3 and provides for the appointment of all masters of titles. See note to section 1 of this Bill.

The new section 5a reflects the present practice and is self-explanatory.

Subsections 1, 2 and 3 of the new section 5b of the Act relate only to the land titles office at Toronto and involve no change in practice. They are complementary to section 192 of *The Municipality of Metropolitan Toronto Act*.

Subsection 4 of the new section 5b of the Act is complementary to section 112 of *The Registry Act* (to be re-enacted by an amendment to that Act), which provides for the remuneration of registrars of deeds who are also masters of titles.

Subsection 5 of the new section 5b is new and reflects the present practice.

SECTION 4. The subsection is redundant. It is therefore repealed.

Subsection 1 of section 8 of the Act provides that the Act shall be administered by the director of titles who shall supervise and determine all matters relating to titles of land to which the Act applies. The repealed subsection provided that the director could inform and advise the proper master of titles in respect of the manner in which he should perform any particular act.

SECTION 5. Subsection 1 of section 9 of the Act, as re-enacted, omits the provision for appointment of the master at Toronto. Section 5 of the Act, as re-enacted by section 3 of this Bill, provides for the appointment of all masters of titles.

Subsections 2, 3 and 4 of section 9 of the Act, as re-enacted, add the words "at Toronto" to distinguish the senior deputy and deputy at Toronto from the other deputy masters of titles for whom provision is made under section 10a of the Act, as re-enacted by section 7 of this Bill.

by Ontario incidental to the land titles office at Toronto, the Treasurer of Ontario shall pay the residue to The Municipality of Metropolitan Toronto.

- (4) Except as provided by subsection 5, section 112 of *The Registry Act* applies to the remuneration of a master of titles who is also a registrar. Remuneration of master who is also registrar
- (5) The salaries of the master of titles at Toronto and of the masters of titles in the provisional judicial districts and of their deputies and other employees shall be fixed under *The Public Service Act, 1961-62* and paid by the Province of Ontario. Salaries, Toronto and districts 1961-62, c. 121
4. Subsection 2 of section 8 of *The Land Titles Act*, as re-enacted by subsection 1 of section 5 of *The Land Titles Amendment Act, 1961-62*, is repealed. R.S.O. 1960, c. 204, s. 8, subs. 2 (1961-62, c. 70, s. 5, subs. 1), repealed
5. Section 9 of *The Land Titles Act*, as amended by section 6 of *The Land Titles Amendment Act, 1961-62* and section 1 of *The Land Titles Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 204, s. 9, re-enacted
  - 9.—(1) The master of titles at Toronto shall be a barrister or solicitor. Master of titles at Toronto
  - (2) The Lieutenant Governor in Council may appoint a senior deputy of the master of titles at Toronto, and the person so appointed shall act under the supervision of the master of titles or shall act as master of titles in the absence of the master of titles, and, when acting in the absence of the master of titles, the senior deputy master of titles has and may exercise and perform the powers and duties of the master of titles. Senior deputy at Toronto
  - (3) The Lieutenant Governor in Council may appoint a deputy of the master of titles at Toronto, and the person so appointed shall act under the supervision of the master of titles or the senior deputy master of titles or shall act as master of titles in the absence of the master of titles and the senior deputy master of titles, and, when acting in the absence of the master of titles and the senior deputy master of titles, he has all the powers of the master of titles. Deputy at Toronto
  - (4) When the master of titles at Toronto dies or resigns, his senior deputy master of titles shall act as master of titles until a master of titles is appointed. Death or resignation

R.S.O. 1960,  
c. 204, s. 10,  
subs. 1,  
re-enacted

**6.** Subsection 1 of section 10 of *The Land Titles Act* is repealed and the following substituted therefor:

Appoint-  
ment  
of deputy  
of master  
of titles

- (1) In the case of the illness or absence of a master of titles or for any other cause, the Lieutenant Governor in Council may appoint a person to act as the deputy *pro tempore* of the master of titles, and such deputy, while so acting, has all the powers of the master of titles for whom he is appointed deputy.

R.S.O. 1960,  
c. 204, s. 10a,  
(1961-62,  
c. 70, s. 7),  
re-enacted

**7.** Section 10a of *The Land Titles Act*, as enacted by section 7 of *The Land Titles Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Appoint-  
ment of  
deputy of  
master of  
titles

- 10a.—(1) The Lieutenant Governor in Council may appoint one or more deputies of a master of titles who shall act under the supervision of the master of titles, and the deputy or, where more than one deputy has been appointed, the deputy who is senior in appointment shall act as master of titles in the absence of the master of titles, and, when so acting, a deputy has and may exercise and perform the powers and duties of the master of titles.

Death or  
resignation  
of master  
of titles

- (2) When a master of titles dies or resigns, the deputy or, where more than one deputy has been appointed, the deputy who is senior in appointment shall act as master of titles until a master of titles is appointed.

Saving

- (3) This section does not apply to the office of land titles at Toronto.

R.S.O. 1960,  
c. 204,  
ss. 12, 13,  
repealed

**8.** Section 12, as amended by section 8 of *The Land Titles Amendment Act, 1961-62*, and section 13 of *The Land Titles Act* are repealed.

R.S.O. 1960,  
c. 204, s. 14,  
re-enacted

**9.** Section 14 of *The Land Titles Act* is repealed and the following substituted therefor:

Security

14. Before the director of titles or a master of titles enters upon the duties of his office, he shall furnish security in accordance with *The Public Officers Act*.

R.S.O. 1960,  
c. 326

R.S.O. 1960,  
c. 204, s. 16,  
subs. 2,  
repealed

**10.** Subsection 2 of section 16 of *The Land Titles Act* is repealed.

R.S.O. 1960,  
c. 204, s. 20,  
repealed

**11.** Section 20 of *The Land Titles Act* is repealed.

R.S.O. 1960,  
c. 204, s. 29,  
re-enacted

**12.** Section 29 of *The Land Titles Act* is repealed and the following substituted therefor:



SECTION 6. See note to section 1 of this Bill.

The section as re-enacted omits a reference to local master.

SECTION 7. See note to section 1 of this Bill.

Subsections 1 and 2 are re-enacted to omit references to "local".

The new subsection 3 is self-explanatory. See note to section 5 of this Bill.

SECTION 8. By section 3 of this Bill, section 12 of the Act in an amended form is re-enacted as section 4 of the Act.

Section 13 of the Act, which provides for the appointment of title examiners, is repealed as being obsolete.

SECTION 9. See note to section 1 of this Bill. The section as re-enacted omits a reference to local masters of titles.

SECTION 10. Subsection 1 of section 16 of the Act prohibits officers and clerks from engaging in employment related to the business of the office. Prior to 1960, when subsection 1 was amended, it applied only to the master of titles at Toronto. The present subsection 1 of section 16 applies to all masters of titles, and subsection 2 of section 16 is therefore redundant and is repealed.

SECTION 11. Section 20 of the Act relates the authority of the other masters to that of the master at Toronto. As the master at Toronto now has no special authority beyond that of the other masters, the section has no purpose and is therefore deleted.

SECTION 12. The present section 29 of the Act provides for an appeal from a decision of the director of titles or a master of titles to a judge of the Supreme Court. The section is re-enacted to provide that such an appeal will lie to a judge of the county or district court in his capacity as local judge of the Supreme Court.

The new section 29a clarifies the practice on appeal.



SECTION 13. The repealed subsection dealt with payments into The Land Titles Assurance Fund and becomes obsolete with the re-enactment of section 60 of the Act by section 15 of this Bill. The new subsection 8 of section 34 of the Act is self-explanatory and relates to an application made by a municipality for registration of land within the municipality under the Act.

SECTION 14. See note to section 1 of this Bill.

SECTION 15. At present, The Land Titles Assurance Fund is maintained by payments made at the time of first registration of land under the Act at the rate of \$2.50 per \$1,000 on the value of the land and \$1 per \$1,000 on the value of buildings, with a maximum fee of \$200 in the case of vacant land to be subdivided. Section 60, as amended, provides that, where the Assurance Fund is reduced to less than \$1,000,000, it will be augmented by the diversion of a percentage of all registration fees.

29. Except as provided by subsection 3 of section 162, <sup>Right to appeal</sup> an appeal lies from any act, order or decision of the Inspector, the director of titles or a master of titles under this Act to the local judge of the court and from him to the Court of Appeal.

29a. An appeal from any act, order or decision of the <sup>Manner of appeal</sup> Inspector, the director of titles or a master of titles under this Act shall be by way of trial *de novo*.

**13.** Subsection 8 of section 34 of *The Land Titles Act*, <sup>R.S.O. 1960, c. 204, s. 34, subs. 8 (1961-62, c. 70, s. 11, subs. 2), re-enacted</sup> as enacted by subsection 2 of section 11 of *The Land Titles Amendment Act, 1961-62*, is repealed and the following substituted therefor:

(8) Notwithstanding section 11 of *The Sheriffs Act* or <sup>Fee for certificate as to executions</sup> the rules under *The Judicature Act*, the Inspector may determine the fee payable to a sheriff for a certificate as to executions in connection with an <sup>R.S.O. 1960, cc. 371, 197</sup> application under this section.

**14.**—(1) Subsection 3 of section 35 of *The Land Titles Act* <sup>R.S.O. 1960, c. 204, s. 35, subs. 3, amended</sup> is amended by striking out "local" in the eighth line.

(2) Subsection 4 of the said section 35 is amended by striking out "local" in the second line. <sup>R.S.O. 1960, c. 204, s. 35, subs. 4, amended</sup>

(3) Subsection 5 of the said section 35 is amended by striking out "local" in the second line. <sup>R.S.O. 1960, c. 204, s. 35, subs. 5, amended</sup>

**15.** Section 60 of *The Land Titles Act*, as amended by <sup>R.S.O. 1960, c. 204, s. 60, amended</sup> section 17 of *The Land Titles Amendment Act, 1961-62*, is further amended by striking out,

- (a) subsections 2, 3 and 4;
- (b) subsection 5, as amended by subsection 2 of section 17 of *The Land Titles Amendment Act, 1961-62*;
- (c) subsection 6;
- (d) subsection 7, as re-enacted by subsection 3 of section 17 of *The Land Titles Amendment Act, 1961-62*;
- (e) subsections 8, 9, 10 and 11; and
- (f) subsection 12, as enacted by subsection 4 of section 17 of *The Land Titles Amendment Act, 1961-62*,

and substituting therefor the following:

Where  
Assurance  
Fund is  
less than  
\$1,000,000

- (2) Where, on the 31st day of January in any year, the amount standing to the credit of the Assurance Fund is less than \$1,000,000, the Assurance Fund shall be increased by payment into it of a portion of all fees received under this Act during that calendar year, excluding fees paid to the director of titles.

Idem

- (3) The portion of fees referred to in subsection 2 shall be fixed by the Lieutenant Governor in Council before the 1st day of March in the same year and shall not exceed 10 per cent of the fees.

Money to  
be paid  
into court

- (4) Moneys payable under subsection 2 shall be paid into court, with the privity of the Accountant of the Supreme Court, by the masters of titles on or before the 31st day of January in each year in respect of fees received by them during the previous calendar year.

Land Titles  
Assurance  
Fund  
Account

- (5) Subject to subsection 6, money standing to the credit of the Assurance Fund and payments received under subsection 4 shall be credited to The Land Titles Assurance Fund Account and shall be invested from time to time under the direction of the Finance Committee of the Supreme Court, and, subject to subsection 1 of section 62, the interest and income derived therefrom shall be credited to the same account.

Payment to  
Treasurer  
of Ontario

- (6) The moneys in court at the credit of the Assurance Fund shall on his demand be paid to the Treasurer of Ontario.

Treasurer  
to issue  
stock for  
sums  
received  
from  
Assurance  
Fund

- (7) The Treasurer of Ontario, on receipt of the moneys paid to him under subsection 6, shall issue to the Accountant of the Supreme Court in trust Ontario Government stock to an amount equal to the sum so received, and the stock shall represent the Assurance Fund and be available for the same purposes.

Conditions  
of issue

- (8) The stock shall be paid or may be redeemed at such time and shall be subject to such conditions as to inscription, registration and transfer as the Lieutenant Governor in Council deems advisable, and shall bear interest at the rate of  $2\frac{1}{2}$  per cent per annum.

Charge on  
Consolidated  
Revenue  
Fund

- (9) The stock, together with the interest thereon, shall be charged upon and paid out of the Consolidated Revenue Fund.





SECTION 16. The new section 61 is a re-enactment of subsection 11 of section 60 of the Act.

Prior to 1962, interest earned on money in the Assurance Fund was credited to the Assurance Fund. Under an amendment made in 1962, interest earned on the Assurance Fund during the years 1961, 1962, 1963, 1964 and 1965 has been paid to the credit of the Consolidated Revenue Fund and has been used in part to subsidize concurrent applications made by municipalities under *The Land Titles Act* and *The Boundaries Act*.

The new section 62 establishes a new fund from which amounts to subsidize survey costs will in future be paid.

**16.**—(1) Section 61 and section 62, as amended by sub-section 1 of section 18 of *The Land Titles Amendment Act, 1961-62*, of *The Land Titles Act* are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 204,  
ss. 61, 62,  
re-enacted

61. The proper master of titles may require any applicant for registration to indemnify The Land Titles Assurance Fund against loss by a bond or covenant to Her Majesty, either with or without sureties, or by such other security as he considers expedient.

Indemnifica-  
tion of  
Assurance  
Fund

62.—(1) Where the amount of The Land Titles Assurance Fund exceeds \$500,000 at the beginning of a calendar year, the Accountant of the Supreme Court shall, at the beginning of the following year, transfer to a special account, to be maintained by him and entitled "The Land Titles Survey Fund", the amount of interest and income that was credited to The Land Titles Assurance Fund during the calendar year first mentioned.

Land Titles  
Survey Fund

(2) An application may be made to the director of titles by,

Payment  
out of  
Land Titles  
Survey Fund

(a) a registered owner in respect of the costs of a survey of his land;

(b) an applicant for first registration in respect of the costs of a survey of his land; or

(c) the council of a municipality in respect of the costs of a survey authorized by such council of an area of registered land in the municipality or in respect of the costs of and incidental to an application under section 34,

for financial assistance, and the Attorney General upon the recommendation of the director of titles may direct in writing that all or a part of the costs mentioned in the application be paid out of The Land Titles Survey Fund.

(3) Upon receipt of the direction of the Attorney General, the Accountant of the Supreme Court shall pay to the person or municipality named in the direction such sum or sums, at such time or times as are stipulated in the direction, out of The Land Titles Survey Fund, so far as that Fund is sufficient for the purpose.

Idem

(2) When this section comes into force, the amount of interest received by the Treasurer of Ontario under subsection 5 of section 62 of *The Land Titles Act*, as enacted by sub-

Initial  
payment  
into Fund  
R.S.O. 1960,  
c. 204

1961-62,  
c. 70

section 1 of section 18 of *The Land Titles Amendment Act, 1961-62*, in respect of the preceding calendar year, shall be paid out of the Consolidated Revenue Fund to the Accountant of the Supreme Court to be credited to The Land Titles Survey Fund.

R.S.O. 1960,  
c. 204, s. 63,  
subss. 4, 5,  
re-enacted

**17.** Subsections 4 and 5 of section 63 of *The Land Titles Act* are repealed and the following substituted therefor:

Application  
for com-  
pensation  
from  
Assurance  
Fund

- (4) A person claiming to be entitled to payment of compensation out of The Land Titles Assurance Fund shall apply to the director of titles who shall make a recommendation to the Inspector as to the amount, if any, that should be paid.

How com-  
pensation  
to be  
determined

- (5) The liability of the Assurance Fund for compensation and the amount of compensation shall be determined by the Inspector, and the costs of the proceedings are in the discretion of the Inspector.

Claimant  
to be  
notified

- (5a) The Inspector shall serve notice of his determination under subsection 5 by registered mail on the claimant.

Appeal

- (5b) Where the Inspector determines that compensation should be paid, the claimant, if he intends to appeal, shall, within a period of twenty days after the date of mailing of the notice under subsection 5a, serve on the Inspector notice of his intention to appeal under section 29, and the Inspector shall not certify under subsection 5c the amount to the Treasurer of Ontario if a notice of appeal is received within that period or until after the expiry of that period if no notice of appeal is received.

Payment  
out of  
Assurance  
Fund

- (5c) Subject to subsection 5b, the Inspector shall certify to the Treasurer of Ontario any amount found to be payable under this section, and, upon receipt of the Inspector's certificate, the Treasurer shall pay the amount to the person entitled thereto out of the Consolidated Revenue Fund, and the sums so paid out shall be credited as payments on account of the stock in the hands of the Accountant of the Supreme Court, and the amount of the stock shall be reduced accordingly.

Where com-  
pensation  
exceeds  
\$5,000

- (5d) Where the amount of compensation has been determined by the Inspector and exceeds \$5,000, the payment by the Treasurer of Ontario shall not be made unless the Inspector's certificate is confirmed by a fiat of a judge of the High Court.

**SECTION 17.** The new subsections clarify and simplify the procedure for obtaining payment of compensation out of the Assurance Fund.

The new subsection 5 is a re-enactment of the present subsections 4 and 5 of section 63 of the Act and omits the provision for appeal, which is included in section 29 of the Act, as re-enacted by section 12 of this Bill.

The new subsections 5c and 5d replace the present subsection 4 of section 62 of the Act, which required production of an order of the Supreme Court or of a judge before payment out of the Assurance Fund. The new procedure is similar to that under *The Certification of Titles Act*.



SECTION 18. The amendment is complementary to section 15 of this Bill.

Section 64 as re-enacted relates the liability of the Assurance Fund in respect of mining land to the value of the land rather than to the amount that was paid into the Fund in respect of the land. There is no change in principle.

SECTION 19. See note to section 1 of this Bill.

SECTION 20. The section is re-enacted to bring it into line with Part 11-A of *The Mortgages Act*, which was enacted in 1964 and which provides for the service of notice of the intended exercise by a mortgagee of his power of sale.

**18.** Section 64 of *The Land Titles Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 204, s. 64,  
re-enacted

64.—(1) Where a person makes a claim upon The Land Titles Assurance Fund for compensation in respect of land patented as mining land or in respect of land the chief value of which consists in the ores, mines or minerals therein and it appears that he is entitled to recover in respect of the land or of some interest therein, in determining the amount of compensation to be paid to him, the entire value of the land shall not be taken at a greater sum than twice the amount that was paid for the original grant from the Crown.

Valuation  
of mining  
lands

(2) Where the amount that was paid for the original grant from the Crown was paid in respect of other land in addition to that for which a claim is so made without it appearing what amount was paid in respect of the particular parcel of land with reference to which the claim is made, the amount so paid, or the portion thereof as to which the fact may not appear to be otherwise, shall be deemed to have been paid *pro rata* in accordance with the acreage or other superficial content of the whole parcel or of the various parcels in respect of which the amount was paid.

Apportion-  
ment  
*pro rata*

**19.** Section 79 of *The Land Titles Act* is amended by striking out "local" in the third line and in the seventh line.

R.S.O. 1960,  
c. 204, s. 79,  
amended

**20.** Section 97 of *The Land Titles Act*, as amended by section 28 of *The Land Titles Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 204, s. 97,  
re-enacted

97.—(1) Subject to *The Mortgages Act*, the registered owner of a registered charge that contains a power of sale, upon production of evidence satisfactory to the master of titles, may sell and transfer the interest in the land or any part thereof that is the subject of the charge in accordance with the terms of the power in the same manner as if he were the registered owner of the land to the extent of such interest therein.

Remedy of  
owner of  
charge with  
power of  
sale

R.S.O. 1960,  
c. 245

(2) Upon the registration of a transfer under subsection 1 and upon satisfactory evidence being produced, the master of titles may delete from the register the entry of an instrument or writ appearing to rank subsequent to the charge under which the land is

Effect of  
sale by  
chargee

sold, and thereupon the interest of every person claiming under such subsequent instrument or writ ceases to affect the land.

R.S.O. 1960, c. 204, s. 109, subs. 1, re-enacted **21.**—(1) Subsection 1 of section 109 of *The Land Titles Act* is repealed and the following substituted therefor:

Lessee may apply for registration of notice of lease

- (1) A lessee or other person entitled to or interested in a lease or agreement for a lease of registered land may apply to the proper master of titles to register notice of the lease or agreement in the prescribed manner.

R.S.O. 1960, c. 204, s. 109, subs. 3, re-enacted (2) Subsection 3 of the said section 109 is repealed and the following substituted therefor:

Lease not by registered owner

- (3) Where the lease or agreement for a lease is not by the registered owner but his title appears to be subject thereto, the proper master of titles, with the concurrence of the owner, may enter notice of the lease or agreement on the register.

R.S.O. 1960, c. 204, s. 162, subs. 1a (1961-62, c. 70, s. 43), re-enacted; cls. a, b, repealed **22.**—(1) Clauses *a, b, c* and *d* of subsection 1a of section 162 of *The Land Titles Act*, as enacted by section 43 of *The Land Titles Amendment Act, 1961-62*, are repealed and the following substituted therefor:

- (a) by a judge of the county or district court of the county or district in which the land shown on the plan is situate; or

- (b) by the director of titles.

R.S.O. 1960, c. 204, s. 162, subs. 3, re-enacted (2) Subsection 3 of the said section 162 is repealed and the following substituted therefor:

Appeal

- (3) An appeal lies from any decision made under this section to a judge of the High Court and from him to the Court of Appeal.

R.S.O. 1960, c. 204, amended **23.** *The Land Titles Act* is amended by adding thereto the following section:

Registration of amended plan

- 162a. Where an amendment to a plan under section 154c or 162 alters the size or boundaries of any lot or block, or adds to a plan land that was previously not included therein, the amendment does not take effect until a new plan of subdivision showing the amendments is registered with the amending order, and the provisions of this Act that apply to plans of

SECTION 21—Subsection 1. At present, notices of certain leases may be registered; the subsection as re-enacted provides for the registration of a notice of any lease.

Subsection 2. The amendment is for purposes of clarification and involves no change in principle.

SECTION 22—Subsection 1. At present, an application for an amendment to a registered plan may be made to a judge of the Supreme Court or to the master of titles at Toronto in addition to a county or district court judge or the director of titles. The amendment omits the master of titles at Toronto and the Supreme Court judge.

Subsection 2. The subsection is re-enacted to provide for an appeal to a judge of the High Court rather than to the Court of Appeal in the first instance.

SECTION 23. The new section is self-explanatory and is similar to section 92a of *The Registry Act*.

Amendments to plans under sections 154c and 162 of the Act are ordered by a judge of the county or district court or by the director of titles.



SECTION 24. See note to section 1 of this Bill.

SECTION 25. The sections are obsolete and are therefore repealed.

The subject-matter, fees, is now dealt with by regulation.

SECTION 26. The repealed subsections provided for the inspection of land titles office records by certain persons only. The new subsection is similar to section 17a of *The Registry Act* and is self-explanatory.

subdivision and the provisions of *The Planning Act* R.S.O. 1960,  
respecting the approval of plans of subdivision apply c. 296  
to the amended plan.

**24.** Clause *e* of subsection 1 of section 172 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 204, s. 172,  
subs. 1, cl. *e*,  
re-enacted

- (*e*) the duties that are to be performed by the director of titles, the masters of titles and other officers, and the duties of the director of titles and of the masters of titles that may be performed by other officers.

**25.** Sections 173 and 174 of *The Land Titles Act* are repealed. R.S.O. 1960,  
c. 204,  
ss. 173, 174,  
repealed

**26.** Subsections 2, 3 and 4 of section 175 of *The Land Titles Act*, as re-enacted by section 45 of *The Land Titles Amendment Act, 1961-62*, are repealed and the following substituted therefor: R.S.O. 1960,  
c. 204, s. 175  
(1961-62,  
c. 70, s. 45),  
subs. 2,  
re-enacted;  
subs. 3, 4,  
repealed

- (2) Upon receipt of a request in writing and the prescribed fees, the proper master of titles, Production of instruments, etc.,  
copies

(*a*) shall produce for inspection in his office during office hours any instrument registered in his office or any book of the office relating to such instrument; and

(*b*) shall supply a copy of the whole or a part of any instrument registered in his office and, when so requested, shall certify the copy under his hand and seal of office.

**27.**—(1) This Act, except sections 15, 16, 17 and 18, Commence-  
ment  
comes into force on the day it receives Royal Assent.

(2) Sections 15, 16, 17 and 18 come into force on a day to be Idem  
named by the Lieutenant Governor by his proclamation.

**28.** This Act may be cited as *The Land Titles Amendment Act, 1966*. Short title

An Act to amend The Land Titles Act

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*1st Reading*

April 22nd, 1966

*2nd Reading*

*3rd Reading*

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MR. WISHART

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# BILL 98

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## An Act to amend The Land Titles Act

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MR. WISHART

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*(Reprinted as amended by the Committee on Legal Bills and Labour)*



#### EXPLANATORY NOTES

SECTION 1. The clause is re-enacted to delete a reference to local master of titles. At present, only the officer in charge of the land titles office at Toronto is styled the "master of titles", the officers in charge of all other land titles offices being styled "local masters of titles". As the supervisory functions of the master at Toronto have been transferred to the director of titles, the nomenclature is being revised so that local masters will in future be styled "masters of titles" for their respective localities.

SECTION 2. The Act has been extended to the counties of Welland, Essex, Oxford and Wentworth under subsection 4 of section 3 of the Act. These counties are therefore being added to the list in section 2.

SECTION 3. Section 4 of the Act is repealed as being obsolete. It contained provisions for the extension of the Act upon the petition of ratepayers who were required to assume financial responsibility for the land titles office for the first year. In practice, all extensions of the Act are made under section 3.

Under the new section 4, which is a re-enactment of section 12 of the Act, the registrar rather than the referee under *The Quieting Titles Act* will become *ex officio* the first master of titles for a locality to which the Act is extended.

BILL 98

1966

## An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *i* of section 1 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 204, s. 1,  
cl. *i*,  
re-enacted

- (i) "proper master of titles" means the master of titles in whose office the land affected or intended to be affected by any proceeding, instrument or document is or may be registered.

2. Subsection 1 of section 2 of *The Land Titles Act*, as re-enacted by section 2 of *The Land Titles Amendment Act, 1961-62*, is amended by adding thereto the following clauses: R.S.O. 1960,  
c. 204, s. 2  
(1961-62,  
c. 70, s. 2),  
subs. 1,  
amended

- (i) the County of Welland, including every local municipality in the County;
- (j) the County of Essex, including every local municipality in the County;
- (k) the County of Oxford, including every local municipality in the County;
- (l) the County of Wentworth, including every local municipality in the County.

3. Section 4 and section 5, as amended by section 3 of *The Land Titles Amendment Act, 1961-62*, of *The Land Titles Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 204,  
ss. 4, 5,  
re-enacted

- 4.—(1) Where the operation of this Act is extended under section 3 to a county or to a part of a county comprising one registry division, the registrar is *ex officio* the first master of titles for the county or registry division, as the case may be. First  
master of  
titles where  
operation  
of Act  
extended

Idem

- (2) Where the operation of this Act is extended to a county that comprises more than one registry division, unless the Lieutenant Governor in Council names one of the registrars as first master of titles for the county, each registrar is *ex officio* the first master of titles for his registry division.

Appointment of masters

5. Notwithstanding section 4, the Lieutenant Governor in Council may appoint a master of titles for any locality in which this Act is in force, to be styled the "Master of Titles" for the county, city, town or district, or as the case may be, as designated by the Lieutenant Governor in Council.

Operation of land titles offices

- 5a.—(1) Subject to subsection 2 of section 4 and except as provided by subsections 2 and 3, every land titles office shall be operated as a part of the registry office for the registry division to which this Act has been extended.

Land titles office for County of York

- (2) The land titles office for the County of York, including every local municipality in the County and The Municipality of Metropolitan Toronto, shall continue to be operated in Toronto as a separate office.

Land titles office for County of Carleton

- (3) The land titles office for the County of Carleton, including every local municipality in the County, shall continue to be operated in conjunction with the local offices of the court in Ottawa until such time as the Lieutenant Governor in Council otherwise orders.

Fees, land titles office at Toronto

- 5b.—(1) The master of titles at Toronto shall pay to the Treasurer of Ontario all fees received under this Act, after payment of such disbursements as have been authorized by the Inspector.

Fees, registry offices in Toronto

- (2) The registrar for the Registry Division of the East and West Ridings of the County of York and the registrar for the Registry Division of Toronto shall pay to the Treasurer of Ontario all fees received under *The Registry Act* and under *The Partnerships Registration Act*, after payment of salaries and employment benefits and of such disbursements as are authorized by the Inspector.

R.S.O. 1960, cc. 348, 289

Treasurer to pay surplus to Metropolitan Toronto

- (3) After deducting from the moneys received under subsections 1 and 2 the amount of the salaries of the master of titles at Toronto and his staff, their employment benefits and all other expenditures made

Section 5 of the Act is re-enacted as sections 5, 5a and 5b for purposes of clarification and involves no change in practice.

The present subsections 1 and 2 of section 5 of the Act require a registrar of deeds in a county to which *The Land Titles Act* has been extended to pay his surplus fees to the Treasurer of Ontario to be used by the Treasurer to offset the deficit, if any, in the operation of the land titles office for the county. These provisions contemplated that the cost of operation of a land titles office in a county would be borne initially by the Province. By an amendment made in 1962, the operation of the present subsections 1 and 2 of section 5 of the Act was restricted to the County of York.

The present subsection 3 of section 5 of the Act provides for the appointment of local masters of titles. The new section 5 re-enacts subsection 3 and provides for the appointment of all masters of titles. See note to section 1 of this Bill.

The new section 5a reflects the present practice and is self-explanatory.

Subsections 1, 2, 3 and 4 of the new section 5b of the Act relate only to the land titles office at Toronto and involve no change in practice. They are complementary to section 192 of *The Municipality of Metropolitan Toronto Act*.



Subsection 5 of the new section 5*b* of the Act is complementary to section 112 of *The Registry Act* (to be re-enacted by an amendment to that Act), which provides for the remuneration of registrars of deeds who are also masters of titles.

Subsection 6 of the new section 5*b* is new and reflects the present practice.

**SECTION 4.** The subsection is redundant. It is therefore repealed.

Subsection 1 of section 8 of the Act provides that the Act shall be administered by the director of titles who shall supervise and determine all matters relating to titles of land to which the Act applies. The repealed subsection provided that the director could inform and advise the proper master of titles in respect of the manner in which he should perform any particular act.

**SECTION 5.** Subsection 1 of section 9 of the Act, as re-enacted, omits the provision for appointment of the master at Toronto. Section 5 of the Act, as re-enacted by section 3 of this Bill, provides for the appointment of all masters of titles.

Subsections 2, 3 and 4 of section 9 of the Act, as re-enacted, add the words "at Toronto" to distinguish the senior deputy and deputy at Toronto from the other deputy masters of titles for whom provision is made under section 10*a* of the Act, as re-enacted by section 7 of this Bill.

by Ontario incidental to the land titles office at Toronto, the Treasurer of Ontario shall pay the residue to The Municipality of Metropolitan Toronto.

- (4) The part of any residue payable under subsection 3 Apportionment of revenue to The Municipality of Metropolitan Toronto that is attributable,

(a) to the registry office for the Registry Division of the East and West Ridings of the County of York; and

(b) to the land titles office at Toronto,

shall be apportioned between the County of York and The Municipality of Metropolitan Toronto in accordance with subsection 2 or 3 of section 113 of *The Registry Act*, and The Municipality of Metropolitan Toronto shall pay over to the treasurer of the County of York the share of the residue to which the County is entitled. R.S.O. 1960, c. 348

- (5) Except as provided by subsection 6, section 112 of *The Registry Act* applies to the remuneration of a master of titles who is also a registrar. Remuneration of master who is also registrar

- (6) The salaries of the master of titles at Toronto and of the masters of titles in the provisional judicial districts and of their deputies and other employees shall be fixed under *The Public Service Act, 1961-62* and paid by the Province of Ontario. Salaries, Toronto and districts 1961-62, c. 121

4. Subsection 2 of section 8 of *The Land Titles Act*, as re-enacted by subsection 1 of section 5 of *The Land Titles Amendment Act, 1961-62*, is repealed. R.S.O. 1960, c. 204, s. 8, subs. 2 (1961-62, c. 70, s. 5, subs. 1), repealed

5. Section 9 of *The Land Titles Act*, as amended by section 6 of *The Land Titles Amendment Act, 1961-62* and section 1 of *The Land Titles Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 204, s. 9, re-enacted

- 9.—(1) The master of titles at Toronto shall be a barrister or solicitor. Master of titles at Toronto
- (2) The Lieutenant Governor in Council may appoint a senior deputy of the master of titles at Toronto, and the person so appointed shall act under the supervision of the master of titles or shall act as master of titles in the absence of the master of titles, and, when acting in the absence of the master of titles, the senior deputy master of titles has and may exercise and perform the powers and duties of the master of titles. Senior deputy at Toronto

Deputy at  
Toronto

- (3) The Lieutenant Governor in Council may appoint a deputy of the master of titles at Toronto, and the person so appointed shall act under the supervision of the master of titles or the senior deputy master of titles or shall act as master of titles in the absence of the master of titles and the senior deputy master of titles, and, when acting in the absence of the master of titles and the senior deputy master of titles, he has all the powers of the master of titles.

Death or  
resignation

- (4) When the master of titles at Toronto dies or resigns, his senior deputy master of titles shall act as master of titles until a master of titles is appointed.

R.S.O. 1960,  
c. 204, s. 10,  
subs. 1,  
re-enacted

6. Subsection 1 of section 10 of *The Land Titles Act* is repealed and the following substituted therefor:

Appoint-  
ment  
of deputy  
of master  
of titles

- (1) In the case of the illness or absence of a master of titles or for any other cause, the Lieutenant Governor in Council may appoint a person to act as the deputy *pro tempore* of the master of titles, and such deputy, while so acting, has all the powers of the master of titles for whom he is appointed deputy.

R.S.O. 1960,  
c. 204, s. 10a  
(1961-62,  
c. 70, s. 7),  
re-enacted

7. Section 10a of *The Land Titles Act*, as enacted by section 7 of *The Land Titles Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Appoint-  
ment of  
deputy of  
master of  
titles

10a.—(1) The Lieutenant Governor in Council may appoint one or more deputies of a master of titles who shall act under the supervision of the master of titles, and the deputy or, where more than one deputy has been appointed, the deputy who is senior in appointment shall act as master of titles in the absence of the master of titles, and, when so acting, a deputy has and may exercise and perform the powers and duties of the master of titles.

Death or  
resignation  
of master  
of titles

- (2) When a master of titles dies or resigns, the deputy or, where more than one deputy has been appointed, the deputy who is senior in appointment shall act as master of titles until a master of titles is appointed.

Saving

- (3) This section does not apply to the office of land titles at Toronto.

R.S.O. 1960,  
c. 204,  
ss. 12, 13,  
repealed

8. Section 12, as amended by section 8 of *The Land Titles Amendment Act, 1961-62*, and section 13 of *The Land Titles Act* are repealed.

R.S.O. 1960,  
c. 204, s. 14,  
re-enacted

9. Section 14 of *The Land Titles Act* is repealed and the following substituted therefor:

SECTION 6. See note to section 1 of this Bill.

The section as re-enacted omits a reference to local master.

SECTION 7. See note to section 1 of this Bill.

Subsections 1 and 2 are re-enacted to omit references to "local".

The new subsection 3 is self-explanatory. See note to section 5 of this Bill.

SECTION 8. By section 3 of this Bill, section 12 of the Act in an amended form is re-enacted as section 4 of the Act.

Section 13 of the Act, which provides for the appointment of title examiners, is repealed as being obsolete.

SECTION 9. See note to section 1 of this Bill. The section as re-enacted omits a reference to local masters of titles.



SECTION 10. Subsection 1 of section 16 of the Act prohibits officers and clerks from engaging in employment related to the business of the office. Prior to 1960, when subsection 1 was amended, it applied only to the master of titles at Toronto. The present subsection 1 of section 16 applies to all masters of titles, and subsection 2 of section 16 is therefore redundant and is repealed.

SECTION 11. Section 20 of the Act relates the authority of the other masters to that of the master at Toronto. As the master at Toronto now has no special authority beyond that of the other masters, the section has no purpose and is therefore deleted.

SECTION 12. The present section 29 of the Act provides for an appeal from a decision of the director of titles or a master of titles to a judge of the Supreme Court. The section is re-enacted to provide that such an appeal will lie to a judge of the county or district court in his capacity as local judge of the Supreme Court.

The new section 29a clarifies the practice on appeal.

SECTION 13. The repealed subsection dealt with payments into The Land Titles Assurance Fund and becomes obsolete with the re-enactment of section 60 of the Act by section 15 of this Bill. The new subsection 8 of section 34 of the Act is self-explanatory and relates to an application made by a municipality for registration of land within the municipality under the Act.

SECTION 14. See note to section 1 of this Bill.

SECTION 15. At present, The Land Titles Assurance Fund is maintained by payments made at the time of first registration of land under the Act at the rate of \$2.50 per \$1,000 on the value of the land and \$1 per \$1,000 on the value of buildings, with a maximum fee of \$200 in the case of vacant land to be subdivided. Section 60, as amended, provides that, where the Assurance Fund is reduced to less than \$1,000,000, it will be augmented by the diversion of a percentage of all registration fees.

14. Before the director of titles or a master of titles enters upon the duties of his office, he shall furnish security in accordance with *The Public Officers Act*. Security  
R.S.O. 1960,  
c. 326
10. Subsection 2 of section 16 of *The Land Titles Act* is repealed. R.S.O. 1960,  
c. 204, s. 16,  
subs. 2,  
repealed
11. Section 20 of *The Land Titles Act* is repealed. R.S.O. 1960,  
c. 204, s. 20,  
repealed
12. Section 29 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 204, s. 29,  
re-enacted
29. Except as provided by subsection 3 of section 162, an appeal lies from any act, order or decision of the Inspector, the director of titles or a master of titles under this Act to the local judge of the court and from him to the Court of Appeal. Right to  
appeal
- 29a. An appeal from any act, order or decision of the Inspector, the director of titles or a master of titles under this Act shall be by way of trial *de novo*. Manner  
of appeal
13. Subsection 8 of section 34 of *The Land Titles Act*, as enacted by subsection 2 of section 11 of *The Land Titles Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 204, s. 34,  
subs. 8  
(1961-62,  
c. 70, s. 11,  
subs. 2),  
re-enacted
- (8) Notwithstanding section 11 of *The Sheriffs Act* or the rules under *The Judicature Act*, the Inspector may determine the fee payable to a sheriff for a certificate as to executions in connection with an application under this section. Fee for  
certificate  
as to  
executions  
R.S.O. 1960,  
cc. 371, 197
- 14.—(1) Subsection 3 of section 35 of *The Land Titles Act* is amended by striking out "local" in the eighth line. R.S.O. 1960,  
c. 204, s. 35,  
subs. 3,  
amended
- (2) Subsection 4 of the said section 35 is amended by striking out "local" in the second line. R.S.O. 1960,  
c. 204, s. 35,  
subs. 4,  
amended
- (3) Subsection 5 of the said section 35 is amended by striking out "local" in the second line. R.S.O. 1960,  
c. 204, s. 35,  
subs. 5,  
amended
15. Section 60 of *The Land Titles Act*, as amended by section 17 of *The Land Titles Amendment Act, 1961-62*, is further amended by striking out, R.S.O. 1960,  
c. 204, s. 60,  
amended
- (a) subsections 2, 3 and 4;
- (b) subsection 5, as amended by subsection 2 of section 17 of *The Land Titles Amendment Act, 1961-62*;
- (c) subsection 6;
- (d) subsection 7, as re-enacted by subsection 3 of section 17 of *The Land Titles Amendment Act, 1961-62*;

(e) subsections 8, 9, 10 and 11; and

(f) subsection 12, as enacted by subsection 4 of section 17 of *The Land Titles Amendment Act, 1961-62*,

and substituting therefor the following:

Where  
Assurance  
Fund is  
less than  
\$1,000,000

- (2) Where, on the 31st day of January in any year, the amount standing to the credit of the Assurance Fund is less than \$1,000,000, the Assurance Fund shall be increased by payment into it of a portion of all fees received under this Act during that calendar year, excluding fees paid to the director of titles.

Idem

- (3) The portion of fees referred to in subsection 2 shall be fixed by the Lieutenant Governor in Council before the 1st day of March in the same year and shall not exceed 10 per cent of the fees.

Money to  
be paid  
into court

- (4) Moneys payable under subsection 2 shall be paid into court, with the privity of the Accountant of the Supreme Court, by the masters of titles on or before the 31st day of January in each year in respect of fees received by them during the previous calendar year.

Land Titles  
Assurance  
Fund  
Account

- (5) Subject to subsection 6, money standing to the credit of the Assurance Fund and payments received under subsection 4 shall be credited to The Land Titles Assurance Fund Account and shall be invested from time to time under the direction of the Finance Committee of the Supreme Court, and, subject to subsection 1 of section 62, the interest and income derived therefrom shall be credited to the same account.

Payment to  
Treasurer  
of Ontario

- (6) The moneys in court at the credit of the Assurance Fund shall on his demand be paid to the Treasurer of Ontario.

Treasurer  
to issue  
stock for  
sums  
received  
from  
Assurance  
Fund

- (7) The Treasurer of Ontario, on receipt of the moneys paid to him under subsection 6, shall issue to the Accountant of the Supreme Court in trust Ontario Government stock to an amount equal to the sum so received, and the stock shall represent the Assurance Fund and be available for the same purposes.

Conditions  
of issue

- (8) The stock shall be paid or may be redeemed at such time and shall be subject to such conditions as to inscription, registration and transfer as the Lieutenant Governor in Council deems advisable, and shall bear interest at the rate of  $2\frac{1}{2}$  per cent per annum.





SECTION 16. The new section 61 is a re-enactment of subsection 11 of section 60 of the Act.

Prior to 1962, interest earned on money in the Assurance Fund was credited to the Assurance Fund. Under an amendment made in 1962, interest earned on the Assurance Fund during the years 1961, 1962, 1963, 1964 and 1965 has been paid to the credit of the Consolidated Revenue Fund and has been used in part to subsidize concurrent applications made by municipalities under *The Land Titles Act* and *The Boundaries Act*.

The new section 62 establishes a new fund from which amounts to subsidize survey costs will in future be paid.

- (9) The stock, together with the interest thereon, shall be charged upon and paid out of the Consolidated Revenue Fund. Charge on Consolidated Revenue Fund

**16.**—(1) Section 61 and section 62, as amended by sub-section 1 of section 18 of *The Land Titles Amendment Act, 1961-62*, of *The Land Titles Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 204, ss. 61, 62, re-enacted

61. The proper master of titles may require any applicant for registration to indemnify The Land Titles Assurance Fund against loss by a bond or covenant to Her Majesty, either with or without sureties, or by such other security as he considers expedient. Indemnification of Assurance Fund
- 62.—(1) Where the amount of The Land Titles Assurance Fund exceeds \$500,000 at the beginning of a calendar year, the Accountant of the Supreme Court shall, at the beginning of the following year, transfer to a special account, to be maintained by him and entitled "The Land Titles Survey Fund", the amount of interest and income that was credited to The Land Titles Assurance Fund during the calendar year first mentioned. Land Titles Survey Fund
- (2) An application may be made to the director of titles by, Payment out of Land Titles Survey Fund
- (a) a registered owner in respect of the costs of a survey of his land;
  - (b) an applicant for first registration in respect of the costs of a survey of his land; or
  - (c) the council of a municipality in respect of the costs of a survey authorized by such council of an area of registered land in the municipality or in respect of the costs of and incidental to an application under section 34,
- for financial assistance, and the Attorney General upon the recommendation of the director of titles may direct in writing that all or a part of the costs mentioned in the application be paid out of The Land Titles Survey Fund.
- (3) Upon receipt of the direction of the Attorney General, Idem the Accountant of the Supreme Court shall pay to the person or municipality named in the direction such sum or sums, at such time or times as are stipulated in the direction, out of The Land Titles Survey Fund, so far as that Fund is sufficient for the purpose.

Initial  
payment  
into Fund  
R.S.O. 1960,  
c. 204  
1961-62,  
c. 70

(2) When this section comes into force, the amount of interest received by the Treasurer of Ontario under subsection 5 of section 62 of *The Land Titles Act*, as enacted by subsection 1 of section 18 of *The Land Titles Amendment Act, 1961-62*, in respect of the preceding calendar year, shall be paid out of the Consolidated Revenue Fund to the Accountant of the Supreme Court to be credited to The Land Titles Survey Fund.

R.S.O. 1960,  
c. 204, s. 63,  
subss. 4, 5,  
re-enacted

**17.** Subsections 4 and 5 of section 63 of *The Land Titles Act* are repealed and the following substituted therefor:

Application  
for com-  
pensation  
from  
Assurance  
Fund

(4) A person claiming to be entitled to payment of compensation out of The Land Titles Assurance Fund shall apply to the director of titles who shall make a recommendation to the Inspector as to the amount, if any, that should be paid.

How com-  
pensation  
to be  
determined

(5) The liability of the Assurance Fund for compensation and the amount of compensation shall be determined by the Inspector, and the costs of the proceedings are in the discretion of the Inspector.

Claimant  
to be  
notified

(5a) The Inspector shall serve notice of his determination under subsection 5 by registered mail on the claimant.

Appeal

(5b) Where the Inspector determines that compensation should be paid, the claimant, if he intends to appeal, shall, within a period of twenty days after the date of mailing of the notice under subsection 5a, serve on the Inspector notice of his intention to appeal under section 29, and the Inspector shall not certify under subsection 5c the amount to the Treasurer of Ontario if a notice of appeal is received within that period or until after the expiry of that period if no notice of appeal is received.

Payment  
out of  
Assurance  
Fund

(5c) Subject to subsection 5b, the Inspector shall certify to the Treasurer of Ontario any amount found to be payable under this section, and, upon receipt of the Inspector's certificate, the Treasurer shall pay the amount to the person entitled thereto out of the Consolidated Revenue Fund, and the sums so paid out shall be credited as payments on account of the stock in the hands of the Accountant of the Supreme Court, and the amount of the stock shall be reduced accordingly.

Where com-  
pensation  
exceeds  
\$5,000

(5d) Where the amount of compensation has been determined by the Inspector and exceeds \$5,000, the payment by the Treasurer of Ontario shall not be made unless the Inspector's certificate is confirmed by a fiat of a judge of the High Court.

SECTION 17. The new subsections clarify and simplify the procedure for obtaining payment of compensation out of the Assurance Fund.

The new subsection 5 is a re-enactment of the present subsections 4 and 5 of section 63 of the Act and omits the provision for appeal, which is included in section 29 of the Act, as re-enacted by section 12 of this Bill.

The new subsections 5*c* and 5*d* replace the present subsection 4 of section 62 of the Act, which required production of an order of the Supreme Court or of a judge before payment out of the Assurance Fund. The new procedure is similar to that under *The Certification of Titles Act*.



SECTION 18. The amendment is complementary to section 15 of this Bill.

Section 64 as re-enacted relates the liability of the Assurance Fund in respect of mining land to the value of the land rather than to the amount that was paid into the Fund in respect of the land. There is no change in principle.

SECTION 19. See note to section 1 of this Bill.

SECTION 20. The section is re-enacted to bring it into line with Part II-A of *The Mortgages Act*, which was enacted in 1964 and which provides for the service of notice of the intended exercise by a mortgagee of his power of sale.

**18.** Section 64 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 204, s. 64,  
re-enacted

64.—(1) Where a person makes a claim upon The Land Titles Assurance Fund for compensation in respect of land patented as mining land or in respect of land the chief value of which consists in the ores, mines or minerals therein and it appears that he is entitled to recover in respect of the land or of some interest therein, in determining the amount of compensation to be paid to him, the entire value of the land shall not be taken at a greater sum than twice the amount that was paid for the original grant from the Crown. Valuation  
of mining  
lands

(2) Where the amount that was paid for the original grant from the Crown was paid in respect of other land in addition to that for which a claim is so made without it appearing what amount was paid in respect of the particular parcel of land with reference to which the claim is made, the amount so paid, or the portion thereof as to which the fact may not appear to be otherwise, shall be deemed to have been paid *pro rata* in accordance with the acreage or other superficial content of the whole parcel or of the various parcels in respect of which the amount was paid. Apportion-  
ment  
*pro rata*

**19.** Section 79 of *The Land Titles Act* is amended by striking out "local" in the third line and in the seventh line. R.S.O. 1960,  
c. 204, s. 79,  
amended

**20.** Section 97 of *The Land Titles Act*, as amended by section 28 of *The Land Titles Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 204, s. 97,  
re-enacted

97.—(1) Subject to *The Mortgages Act*, the registered owner of a registered charge that contains a power of sale, upon production of evidence satisfactory to the master of titles, may sell and transfer the interest in the land or any part thereof that is the subject of the charge in accordance with the terms of the power in the same manner as if he were the registered owner of the land to the extent of such interest therein. Remedy of  
owner of  
charge with  
power of  
sale  
R.S.O. 1960,  
c. 245

(2) Upon the registration of a transfer under subsection 1 and upon satisfactory evidence being produced, the master of titles may delete from the register the entry of an instrument or writ appearing to rank subsequent to the charge under which the land is Effect of  
sale by  
chargee

sold, and thereupon the interest of every person claiming under such subsequent instrument or writ ceases to affect the land.

R.S.O. 1960, c. 204, s. 109, subs. 1, re-enacted **21.**—(1) Subsection 1 of section 109 of *The Land Titles Act* is repealed and the following substituted therefor:

Lessee may apply for registration of notice of lease

- (1) A lessee or other person entitled to or interested in a lease or agreement for a lease of registered land may apply to the proper master of titles to register notice of the lease or agreement in the prescribed manner.

R.S.O. 1960, c. 204, s. 109, subs. 3, re-enacted (2) Subsection 3 of the said section 109 is repealed and the following substituted therefor:

Lease not by registered owner

- (3) Where the lease or agreement for a lease is not by the registered owner but his title appears to be subject thereto, the proper master of titles, with the concurrence of the owner, may enter notice of the lease or agreement on the register.

R.S.O. 1960, c. 204, s. 162, subs. 1a (1961-62, c. 70, s. 43), cls. a, b, re-enacted; cls. c, d, repealed **22.**—(1) Clauses *a, b, c* and *d* of subsection 1a of section 162 of *The Land Titles Act*, as enacted by section 43 of *The Land Titles Amendment Act, 1961-62*, are repealed and the following substituted therefor:

- (a) by a judge of the county or district court of the county or district in which the land shown on the plan is situate; or

- (b) by the director of titles.

R.S.O. 1960, c. 204, s. 162, subs. 3, re-enacted (2) Subsection 3 of the said section 162 is repealed and the following substituted therefor:

Appeal

- (3) An appeal lies from any decision made under this section to a judge of the High Court and from him to the Court of Appeal.

R.S.O. 1960, c. 204, amended **23.** *The Land Titles Act* is amended by adding thereto the following section:

Registration of amended plan

- 162a. Where an amendment to a plan under section 154c or 162 alters the size or boundaries of any lot or block, or adds to a plan land that was previously not included therein, the amendment does not take effect until a new plan of subdivision showing the amendments is registered with the amending order, and the provisions of this Act that apply to plans of

SECTION 21—Subsection 1. At present, notices of certain leases may be registered; the subsection as re-enacted provides for the registration of a notice of any lease.

Subsection 2. The amendment is for purposes of clarification and involves no change in principle.

SECTION 22—Subsection 1. At present, an application for an amendment to a registered plan may be made to a judge of the Supreme Court or to the master of titles at Toronto in addition to a county or district court judge or the director of titles. The amendment omits the master of titles at Toronto and the Supreme Court judge.

Subsection 2. The subsection is re-enacted to provide for an appeal to a judge of the High Court rather than to the Court of Appeal in the first instance.

SECTION 23. The new section is self-explanatory and is similar to section 92a of *The Registry Act*.

Amendments to plans under sections 154c and 162 of the Act are ordered by a judge of the county or district court or by the director of titles.



SECTION 24. See note to section 1 of this Bill.

SECTION 25. The sections are obsolete and are therefore repealed.

The subject-matter, fees, is now dealt with by regulation.

SECTION 26. The repealed subsections provided for the inspection of land titles office records by certain persons only. The new subsection is similar to section 17a of *The Registry Act* and is self-explanatory.

subdivision and the provisions of *The Planning Act* R.S.O. 1960,  
respecting the approval of plans of subdivision apply c. 296  
to the amended plan.

**24.** Clause *e* of subsection 1 of section 172 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 204, s. 172,  
subs. 1, cl. *e*,  
re-enacted

- (e) the duties that are to be performed by the director of titles, the masters of titles and other officers, and the duties of the director of titles and of the masters of titles that may be performed by other officers.

**25.** Sections 173 and 174 of *The Land Titles Act* are repealed. R.S.O. 1960,  
c. 204,  
ss. 173, 174,  
repealed

**26.** Subsections 2, 3 and 4 of section 175 of *The Land Titles Act*, as re-enacted by section 45 of *The Land Titles Amendment Act, 1961-62*, are repealed and the following substituted therefor: R.S.O. 1960,  
c. 204, s. 175  
(1961-62,  
c. 70, s. 45),  
subs. 2,  
re-enacted;  
subs. 3, 4,  
repealed

- (2) Upon receipt of a request in writing and the prescribed fees, the proper master of titles, Production of instru-  
ments, etc.,  
copies

(a) shall produce for inspection in his office during office hours any instrument registered in his office or any book of the office relating to such instrument; and

(b) shall supply a copy of the whole or a part of any instrument registered in his office and, when so requested, shall certify the copy under his hand and seal of office.

**27.—**(1) This Act, except sections 15, 16, 17 and 18, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Sections 15, 16, 17 and 18 come into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

**28.** This Act may be cited as *The Land Titles Amendment Act, 1966*. Short title

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*1st Reading*

April 22nd, 1966

*2nd Reading*

May 5th, 1966

*3rd Reading*

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MR. WISHART

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*(Reprinted as amended by the Committee  
on Legal Bills and Labour)*

# **BILL 98**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Land Titles Act**

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**MR. WISHART**

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**TORONTO**

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THE NATIONAL ARCHIVES  
COLLECTIONS DIVISION

THE NATIONAL ARCHIVES

1776

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THE NATIONAL ARCHIVES

BILL 98

1966

## An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *i* of section 1 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 204, s. 1,  
cl. i,  
re-enacted

- (i) "proper master of titles" means the master of titles in whose office the land affected or intended to be affected by any proceeding, instrument or document is or may be registered.

2. Subsection 1 of section 2 of *The Land Titles Act*, as re-enacted by section 2 of *The Land Titles Amendment Act, 1961-62*, is amended by adding thereto the following clauses: R.S.O. 1960,  
c. 204, s. 2  
(1961-62,  
c. 70, s. 2),  
subs. 1,  
amended

- (i) the County of Welland, including every local municipality in the County;
- (j) the County of Essex, including every local municipality in the County;
- (k) the County of Oxford, including every local municipality in the County;
- (l) the County of Wentworth, including every local municipality in the County.

3. Section 4 and section 5, as amended by section 3 of *The Land Titles Amendment Act, 1961-62*, of *The Land Titles Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 204,  
ss. 4, 5,  
re-enacted

- 4.—(1) Where the operation of this Act is extended under section 3 to a county or to a part of a county comprising one registry division, the registrar is *ex officio* the first master of titles for the county or registry division, as the case may be. First  
master of  
titles where  
operation  
of Act  
extended

Idem

- (2) Where the operation of this Act is extended to a county that comprises more than one registry division, unless the Lieutenant Governor in Council names one of the registrars as first master of titles for the county, each registrar is *ex officio* the first master of titles for his registry division.

Appointment of masters

5. Notwithstanding section 4, the Lieutenant Governor in Council may appoint a master of titles for any locality in which this Act is in force, to be styled the "Master of Titles" for the county, city, town or district, or as the case may be, as designated by the Lieutenant Governor in Council.

Operation of land titles offices

- 5a.—(1) Subject to subsection 2 of section 4 and except as provided by subsections 2 and 3, every land titles office shall be operated as a part of the registry office for the registry division to which this Act has been extended.

Land titles office for County of York

- (2) The land titles office for the County of York, including every local municipality in the County and The Municipality of Metropolitan Toronto, shall continue to be operated in Toronto as a separate office.

Land titles office for County of Carleton

- (3) The land titles office for the County of Carleton, including every local municipality in the County, shall continue to be operated in conjunction with the local offices of the court in Ottawa until such time as the Lieutenant Governor in Council otherwise orders.

Fees, land titles office at Toronto

- 5b.—(1) The master of titles at Toronto shall pay to the Treasurer of Ontario all fees received under this Act, after payment of such disbursements as have been authorized by the Inspector.

Fees, registry offices in Toronto

- (2) The registrar for the Registry Division of the East and West Ridings of the County of York and the registrar for the Registry Division of Toronto shall pay to the Treasurer of Ontario all fees received under *The Registry Act* and under *The Partnerships Registration Act*, after payment of salaries and employment benefits and of such disbursements as are authorized by the Inspector.

R.S.O. 1960, cc. 348, 289

Treasurer to pay surplus to Metropolitan Toronto

- (3) After deducting from the moneys received under subsections 1 and 2 the amount of the salaries of the master of titles at Toronto and his staff, their employment benefits and all other expenditures made

by Ontario incidental to the land titles office at Toronto, the Treasurer of Ontario shall pay the residue to The Municipality of Metropolitan Toronto.

- (4) The part of any residue payable under subsection 3 to The Municipality of Metropolitan Toronto that is attributable, Apportionment of revenue

(a) to the registry office for the Registry Division of the East and West Ridings of the County of York; and

(b) to the land titles office at Toronto,

shall be apportioned between the County of York and The Municipality of Metropolitan Toronto in accordance with subsection 2 or 3 of section 113 of *The Registry Act*, and The Municipality of Metropolitan Toronto shall pay over to the treasurer of the County of York the share of the residue to which the County is entitled. R.S.O. 1960, c. 348

- (5) Except as provided by subsection 6, section 112 of *The Registry Act* applies to the remuneration of a master of titles who is also a registrar. Remuneration of master who is also registrar

- (6) The salaries of the master of titles at Toronto and of the masters of titles in the provisional judicial districts and of their deputies and other employees shall be fixed under *The Public Service Act, 1961-62* and paid by the Province of Ontario. Salaries, Toronto and districts 1961-62, c. 121

4. Subsection 2 of section 8 of *The Land Titles Act*, as re-enacted by subsection 1 of section 5 of *The Land Titles Amendment Act, 1961-62*, is repealed. R.S.O. 1960, c. 204, s. 8, subs. 2 (1961-62, c. 70, s. 5, subs. 1), repealed

5. Section 9 of *The Land Titles Act*, as amended by section 6 of *The Land Titles Amendment Act, 1961-62* and section 1 of *The Land Titles Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 204, s. 9, re-enacted

9.—(1) The master of titles at Toronto shall be a barrister or solicitor. Master of titles at Toronto

- (2) The Lieutenant Governor in Council may appoint a senior deputy of the master of titles at Toronto, and the person so appointed shall act under the supervision of the master of titles or shall act as master of titles in the absence of the master of titles, and, when acting in the absence of the master of titles, the senior deputy master of titles has and may exercise and perform the powers and duties of the master of titles. Senior deputy at Toronto



Deputy at  
Toronto

- (3) The Lieutenant Governor in Council may appoint a deputy of the master of titles at Toronto, and the person so appointed shall act under the supervision of the master of titles or the senior deputy master of titles or shall act as master of titles in the absence of the master of titles and the senior deputy master of titles, and, when acting in the absence of the master of titles and the senior deputy master of titles, he has all the powers of the master of titles.

Death or  
resignation

- (4) When the master of titles at Toronto dies or resigns, his senior deputy master of titles shall act as master of titles until a master of titles is appointed.

R.S.O. 1960,  
c. 204, s. 10,  
subs. 1,  
re-enacted

**6.** Subsection 1 of section 10 of *The Land Titles Act* is repealed and the following substituted therefor:

Appoint-  
ment  
of deputy  
of master  
of titles

- (1) In the case of the illness or absence of a master of titles or for any other cause, the Lieutenant Governor in Council may appoint a person to act as the deputy *pro tempore* of the master of titles, and such deputy, while so acting, has all the powers of the master of titles for whom he is appointed deputy.

R.S.O. 1960,  
c. 204, s. 10<sup>a</sup>  
(1961-62,  
c. 70, s. 7),  
re-enacted

**7.** Section 10<sup>a</sup> of *The Land Titles Act*, as enacted by section 7 of *The Land Titles Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Appoint-  
ment of  
deputy of  
master of  
titles

**10a.**—(1) The Lieutenant Governor in Council may appoint one or more deputies of a master of titles who shall act under the supervision of the master of titles, and the deputy or, where more than one deputy has been appointed, the deputy who is senior in appointment shall act as master of titles in the absence of the master of titles, and, when so acting, a deputy has and may exercise and perform the powers and duties of the master of titles.

Death or  
resignation  
of master  
of titles

- (2) When a master of titles dies or resigns, the deputy or, where more than one deputy has been appointed, the deputy who is senior in appointment shall act as master of titles until a master of titles is appointed.

Saving

- (3) This section does not apply to the office of land titles at Toronto.

R.S.O. 1960,  
c. 204,  
ss. 12, 13,  
repealed

**8.** Section 12, as amended by section 8 of *The Land Titles Amendment Act, 1961-62*, and section 13 of *The Land Titles Act* are repealed.

R.S.O. 1960,  
c. 204, s. 14,  
re-enacted

**9.** Section 14 of *The Land Titles Act* is repealed and the following substituted therefor:

14. Before the director of titles or a master of titles enters upon the duties of his office, he shall furnish security in accordance with *The Public Officers Act*. Security  
R.S.O. 1960,  
c. 326
10. Subsection 2 of section 16 of *The Land Titles Act* is repealed. R.S.O. 1960,  
c. 204, s. 16,  
subs. 2,  
repealed
11. Section 20 of *The Land Titles Act* is repealed. R.S.O. 1960,  
c. 204, s. 20,  
repealed
12. Section 29 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 204, s. 29,  
re-enacted
29. Except as provided by subsection 3 of section 162, an appeal lies from any act, order or decision of the Inspector, the director of titles or a master of titles under this Act to the local judge of the court and from him to the Court of Appeal. Right to  
appeal
- 29a. An appeal from any act, order or decision of the Inspector, the director of titles or a master of titles under this Act shall be by way of trial *de novo*. Manner  
of appeal
13. Subsection 8 of section 34 of *The Land Titles Act*, as enacted by subsection 2 of section 11 of *The Land Titles Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 204, s. 34,  
subs. 8  
(1961-62,  
c. 70, s. 11,  
subs. 2),  
re-enacted
- (8) Notwithstanding section 11 of *The Sheriffs Act* or the rules under *The Judicature Act*, the Inspector may determine the fee payable to a sheriff for a certificate as to executions in connection with an application under this section. Fee for  
certificate  
as to  
executions  
R.S.O. 1960,  
cc. 371, 197
- 14.—(1) Subsection 3 of section 35 of *The Land Titles Act* is amended by striking out "local" in the eighth line. R.S.O. 1960,  
c. 204, s. 35,  
subs. 3,  
amended
- (2) Subsection 4 of the said section 35 is amended by striking out "local" in the second line. R.S.O. 1960,  
c. 204, s. 35,  
subs. 4,  
amended
- (3) Subsection 5 of the said section 35 is amended by striking out "local" in the second line. R.S.O. 1960,  
c. 204, s. 35,  
subs. 5,  
amended
15. Section 60 of *The Land Titles Act*, as amended by section 17 of *The Land Titles Amendment Act, 1961-62*, is further amended by striking out, R.S.O. 1960,  
c. 204, s. 60,  
amended
- (a) subsections 2, 3 and 4;
- (b) subsection 5, as amended by subsection 2 of section 17 of *The Land Titles Amendment Act, 1961-62*;
- (c) subsection 6;
- (d) subsection 7, as re-enacted by subsection 3 of section 17 of *The Land Titles Amendment Act, 1961-62*;

(e) subsections 8, 9, 10 and 11; and

(f) subsection 12, as enacted by subsection 4 of section 17 of *The Land Titles Amendment Act, 1961-62*,

and substituting therefor the following:

Where  
Assurance  
Fund is  
less than  
\$1,000,000

(2) Where, on the 31st day of January in any year, the amount standing to the credit of the Assurance Fund is less than \$1,000,000, the Assurance Fund shall be increased by payment into it of a portion of all fees received under this Act during that calendar year, excluding fees paid to the director of titles.

Idem

(3) The portion of fees referred to in subsection 2 shall be fixed by the Lieutenant Governor in Council before the 1st day of March in the same year and shall not exceed 10 per cent of the fees.

Money to  
be paid  
into court

(4) Moneys payable under subsection 2 shall be paid into court, with the privity of the Accountant of the Supreme Court, by the masters of titles on or before the 31st day of January in each year in respect of fees received by them during the previous calendar year.

Land Titles  
Assurance  
Fund  
Account

(5) Subject to subsection 6, money standing to the credit of the Assurance Fund and payments received under subsection 4 shall be credited to The Land Titles Assurance Fund Account and shall be invested from time to time under the direction of the Finance Committee of the Supreme Court, and, subject to subsection 1 of section 62, the interest and income derived therefrom shall be credited to the same account.

Payment to  
Treasurer  
of Ontario

(6) The moneys in court at the credit of the Assurance Fund shall on his demand be paid to the Treasurer of Ontario.

Treasurer  
to issue  
stock for  
sums  
received  
from  
Assurance  
Fund

(7) The Treasurer of Ontario, on receipt of the moneys paid to him under subsection 6, shall issue to the Accountant of the Supreme Court in trust Ontario Government stock to an amount equal to the sum so received, and the stock shall represent the Assurance Fund and be available for the same purposes.

Conditions  
of issue

(8) The stock shall be paid or may be redeemed at such time and shall be subject to such conditions as to inscription, registration and transfer as the Lieutenant Governor in Council deems advisable, and shall bear interest at the rate of  $2\frac{1}{2}$  per cent per annum.



- (9) The stock, together with the interest thereon, shall be charged upon and paid out of the Consolidated Revenue Fund. Charge on Consolidated Revenue Fund

**16.**—(1) Section 61 and section 62, as amended by sub-section 1 of section 18 of *The Land Titles Amendment Act, 1961-62*, of *The Land Titles Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 204, ss. 61, 62, re-enacted

61. The proper master of titles may require any applicant for registration to indemnify The Land Titles Assurance Fund against loss by a bond or covenant to Her Majesty, either with or without sureties, or by such other security as he considers expedient. Indemnification of Assurance Fund
- 62.—(1) Where the amount of The Land Titles Assurance Fund exceeds \$500,000 at the beginning of a calendar year, the Accountant of the Supreme Court shall, at the beginning of the following year, transfer to a special account, to be maintained by him and entitled "The Land Titles Survey Fund", the amount of interest and income that was credited to The Land Titles Assurance Fund during the calendar year first mentioned. Land Titles Survey Fund
- (2) An application may be made to the director of titles by, Payment out of Land Titles Survey Fund
- (a) a registered owner in respect of the costs of a survey of his land;
  - (b) an applicant for first registration in respect of the costs of a survey of his land; or
  - (c) the council of a municipality in respect of the costs of a survey authorized by such council of an area of registered land in the municipality or in respect of the costs of and incidental to an application under section 34,
- for financial assistance, and the Attorney General upon the recommendation of the director of titles may direct in writing that all or a part of the costs mentioned in the application be paid out of The Land Titles Survey Fund.
- (3) Upon receipt of the direction of the Attorney General, the Accountant of the Supreme Court shall pay to the person or municipality named in the direction such sum or sums, at such time or times as are stipulated in the direction, out of The Land Titles Survey Fund, so far as that Fund is sufficient for the purpose. Idem



Initial  
payment  
into Fund  
R.S.O. 1960,  
c. 204  
1961-62,  
c. 70

(2) When this section comes into force, the amount of interest received by the Treasurer of Ontario under subsection 5 of section 62 of *The Land Titles Act*, as enacted by subsection 1 of section 18 of *The Land Titles Amendment Act, 1961-62*, in respect of the preceding calendar year, shall be paid out of the Consolidated Revenue Fund to the Accountant of the Supreme Court to be credited to The Land Titles Survey Fund.

R.S.O. 1960,  
c. 204, s. 63,  
subss. 4, 5,  
re-enacted

**17.** Subsections 4 and 5 of section 63 of *The Land Titles Act* are repealed and the following substituted therefor:

Application  
for com-  
pensation  
from  
Assurance  
Fund

(4) A person claiming to be entitled to payment of compensation out of The Land Titles Assurance Fund shall apply to the director of titles who shall make a recommendation to the Inspector as to the amount, if any, that should be paid.

How com-  
pensation  
to be  
determined

(5) The liability of the Assurance Fund for compensation and the amount of compensation shall be determined by the Inspector, and the costs of the proceedings are in the discretion of the Inspector.

Claimant  
to be  
notified

(5a) The Inspector shall serve notice of his determination under subsection 5 by registered mail on the claimant.

Appeal

(5b) Where the Inspector determines that compensation should be paid, the claimant, if he intends to appeal, shall, within a period of twenty days after the date of mailing of the notice under subsection 5a, serve on the Inspector notice of his intention to appeal under section 29, and the Inspector shall not certify under subsection 5c the amount to the Treasurer of Ontario if a notice of appeal is received within that period or until after the expiry of that period if no notice of appeal is received.

Payment  
out of  
Assurance  
Fund

(5c) Subject to subsection 5b, the Inspector shall certify to the Treasurer of Ontario any amount found to be payable under this section, and, upon receipt of the Inspector's certificate, the Treasurer shall pay the amount to the person entitled thereto out of the Consolidated Revenue Fund, and the sums so paid out shall be credited as payments on account of the stock in the hands of the Accountant of the Supreme Court, and the amount of the stock shall be reduced accordingly.

Where com-  
pensation  
exceeds  
\$5,000

(5d) Where the amount of compensation has been determined by the Inspector and exceeds \$5,000, the payment by the Treasurer of Ontario shall not be made unless the Inspector's certificate is confirmed by a fiat of a judge of the High Court.

**18.** Section 64 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 204, s. 64,  
re-enacted

64.—(1) Where a person makes a claim upon The Land Titles Assurance Fund for compensation in respect of land patented as mining land or in respect of land the chief value of which consists in the ores, mines or minerals therein and it appears that he is entitled to recover in respect of the land or of some interest therein, in determining the amount of compensation to be paid to him, the entire value of the land shall not be taken at a greater sum than twice the amount that was paid for the original grant from the Crown. Valuation  
of mining  
lands

(2) Where the amount that was paid for the original grant from the Crown was paid in respect of other land in addition to that for which a claim is so made without it appearing what amount was paid in respect of the particular parcel of land with reference to which the claim is made, the amount so paid, or the portion thereof as to which the fact may not appear to be otherwise, shall be deemed to have been paid *pro rata* in accordance with the acreage or other superficial content of the whole parcel or of the various parcels in respect of which the amount was paid. Apportion-  
ment  
*pro rata*

**19.** Section 79 of *The Land Titles Act* is amended by striking out "local" in the third line and in the seventh line. R.S.O. 1960,  
c. 204, s. 79,  
amended

**20.** Section 97 of *The Land Titles Act*, as amended by section 28 of *The Land Titles Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 204, s. 97,  
re-enacted

97.—(1) Subject to *The Mortgages Act*, the registered owner of a registered charge that contains a power of sale, upon production of evidence satisfactory to the master of titles, may sell and transfer the interest in the land or any part thereof that is the subject of the charge in accordance with the terms of the power in the same manner as if he were the registered owner of the land to the extent of such interest therein. Remedy of  
owner of  
charge with  
power of  
sale  
R.S.O. 1960,  
c. 245

(2) Upon the registration of a transfer under subsection 1 and upon satisfactory evidence being produced, the master of titles may delete from the register the entry of an instrument or writ appearing to rank subsequent to the charge under which the land is Effect of  
sale by  
chargee

sold, and thereupon the interest of every person claiming under such subsequent instrument or writ ceases to affect the land.

R.S.O. 1960,  
c. 204, s. 109,  
subs. 1,  
re-enacted

**21.**—(1) Subsection 1 of section 109 of *The Land Titles Act* is repealed and the following substituted therefor:

Lessee may  
apply for  
registration  
of notice  
of lease

- (1) A lessee or other person entitled to or interested in a lease or agreement for a lease of registered land may apply to the proper master of titles to register notice of the lease or agreement in the prescribed manner.

R.S.O. 1960,  
c. 204, s. 109,  
subs. 3,  
re-enacted

(2) Subsection 3 of the said section 109 is repealed and the following substituted therefor:

Lease not by  
registered  
owner

- (3) Where the lease or agreement for a lease is not by the registered owner but his title appears to be subject thereto, the proper master of titles, with the concurrence of the owner, may enter notice of the lease or agreement on the register.

R.S.O. 1960,  
c. 204, s. 162,  
subs. 1a  
(1961-62,  
c. 70, s. 43),  
cls. a, b,  
re-enacted;  
cls. c, d,  
repealed

**22.**—(1) Clauses *a, b, c* and *d* of subsection 1a of section 162 of *The Land Titles Act*, as enacted by section 43 of *The Land Titles Amendment Act, 1961-62*, are repealed and the following substituted therefor:

- (a) by a judge of the county or district court of the county or district in which the land shown on the plan is situate; or
- (b) by the director of titles.

R.S.O. 1960,  
c. 204, s. 162,  
subs. 3,  
re-enacted

(2) Subsection 3 of the said section 162 is repealed and the following substituted therefor:

Appeal

- (3) An appeal lies from any decision made under this section to a judge of the High Court and from him to the Court of Appeal.

R.S.O. 1960,  
c. 204,  
amended

**23.** *The Land Titles Act* is amended by adding thereto the following section:

Registration  
of amended  
plan

- 162a. Where an amendment to a plan under section 154c or 162 alters the size or boundaries of any lot or block, or adds to a plan land that was previously not included therein, the amendment does not take effect until a new plan of subdivision showing the amendments is registered with the amending order, and the provisions of this Act that apply to plans of



subdivision and the provisions of *The Planning Act* R.S.O. 1960, c. 296 respecting the approval of plans of subdivision apply to the amended plan.

**24.** Clause *e* of subsection 1 of section 172 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 204, s. 172, subs. 1, cl. *e*, re-enacted

- (*e*) the duties that are to be performed by the director of titles, the masters of titles and other officers, and the duties of the director of titles and of the masters of titles that may be performed by other officers.

**25.** Sections 173 and 174 of *The Land Titles Act* are repealed. R.S.O. 1960, c. 204, ss. 173, 174, repealed

**26.** Subsections 2, 3 and 4 of section 175 of *The Land Titles Act*, as re-enacted by section 45 of *The Land Titles Amendment Act, 1961-62*, are repealed and the following substituted therefor: R.S.O. 1960, c. 204, s. 175 (1961-62, c. 70, s. 45), subs. 2, re-enacted; subs. 3, 4, repealed

- (2) Upon receipt of a request in writing and the prescribed fees, the proper master of titles, Production of instruments, etc., copies

- (*a*) shall produce for inspection in his office during office hours any instrument registered in his office or any book of the office relating to such instrument; and

- (*b*) shall supply a copy of the whole or a part of any instrument registered in his office and, when so requested, shall certify the copy under his hand and seal of office.

**27.**—(1) This Act, except sections 15, 16, 17 and 18, Commence-ment comes into force on the day it receives Royal Assent.

(2) Sections 15, 16, 17 and 18 come into force on a day to be Idem named by the Lieutenant Governor by his proclamation.

**28.** This Act may be cited as *The Land Titles Amendment Act, 1966*. Short title







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*1st Reading*

April 22nd, 1966

*2nd Reading*

May 5th, 1966

*3rd Reading*

May 18th, 1966

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MR. WISHART

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# BILL 99

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## An Act to amend The Police Act

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MR. WISHART

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TORONTO

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#### EXPLANATORY NOTES

SECTION 1. The provision repealed provides for rotation of heads of council on a joint board. This provision became redundant when, by amendment in 1965, the head of each council is a member of the board.

SECTIONS 2 (1), 4, 5 (1, 2, 4, 5), 8, 9, 11 (1, 2), 13 (2), 14, 16 and 17 (1) of the Bill replace the term "chief constable" with "chief of police".

SECTION 2—Subsection 2. The amendment provides for the case where there is a joint board or amalgamated police forces.

SECTION 3. The amendments provide for the disposition of stolen or abandoned property where there is no board.

BILL 99

1966

## An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 8 of *The Police Act* is repealed.

R.S.O. 1960,  
c. 298, s. 8,  
subs. 3,  
repealed

2.—(1) Subsection 1 of section 13 of *The Police Act*, as re-enacted by section 4 of *The Police Amendment Act, 1965*, is amended by striking out "chief constable" in the third line and inserting in lieu thereof "chief of police".

R.S.O. 1960,  
c. 298, s. 13  
(1965,  
c. 99, s. 4),  
subs. 1,  
amended

(2) Subsection 2 of the said section 13 is amended by inserting after "council" in the second line "or each council responsible for maintaining the force", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 298, s. 13  
(1965,  
c. 99, s. 4),  
subs. 2,  
amended

(2) Every board shall, on or before the 1st day of March in each year, prepare and submit to the council or each council responsible for maintaining the force, for its consideration and approval, its estimates of all moneys required for the year to pay the remuneration of the members of the police force and to provide and pay for the accommodation, arms, equipment and other things for the use and maintenance of the force.

Estimates

3.—(1) Subsection 1 of section 17 of *The Police Act* is amended by inserting after "board" in the fifth line "or, where there is no board, the chief of police" and by inserting after "board" in the sixth line "or, where there is no board, the council", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 298, s. 17,  
subs. 1,  
amended

(1) Where any motor vehicle, bicycle or any personal property of any kind is in the possession of the board or a member of the police force by reason of having been stolen from its owner or by reason of having been found abandoned in a public place and the board or, where there is no board, the chief of police

Sale of  
stolen and  
abandoned  
property

is unable to ascertain its owner, the board or, where there is no board, the council may cause it to be sold or otherwise disposed of as hereinafter set forth and, subject to subsection 3, may retain to its own use the proceeds of such sale or disposition.

R.S.O. 1960,  
c. 298, s. 17,  
subs. 2,  
amended

(2) Subsection 2 of the said section 17 is amended by inserting after "board" in the third line "or, where there is no board, the council", so that the subsection shall read as follows:

Procedure  
for sale

(2) Where such property is perishable, the sale or disposition of it may be made at any time without notice of any kind, and, where such property is not perishable, the board or, where there is no board, the council may,

(a) in the case of property, other than motor vehicles or bicycles, after the expiration of three months from the time it came into possession of the board or member of the police force; or

(b) in the case of motor vehicles or bicycles, after the expiration of one month from the time it came into possession of the board or member of the police force,

sell it by public auction after at least ten days notice of the time and place of holding such auction has been given by publication once in a newspaper published in the municipality, and any such sale may be adjourned from time to time until the property is sold.

R.S.O. 1960,  
c. 298, s. 19  
(1965,  
c. 99, s. 5),  
subs. 3,  
amended

4. Subsection 3 of section 19 of *The Police Act*, as re-enacted by section 5 of *The Police Amendment Act, 1965*, is amended by striking out "chief constable" in the second and third lines and inserting in lieu thereof "chief of police".

R.S.O. 1960,  
c. 298, s. 23  
(1965,  
c. 99, s. 6,  
subs. 1),  
subs. 1,  
amended

5.—(1) Subsection 1 of section 23 of *The Police Act*, as re-enacted by subsection 1 of section 6 of *The Police Amendment Act, 1965*, is amended by striking out "chief constable of a police force" in the first line and inserting in lieu thereof "chief of police".

R.S.O. 1960,  
c. 298, s. 23  
(1965,  
c. 99, s. 6,  
subs. 1),  
subs. 2,  
amended

(2) Subsection 2 of the said section 23 is amended by striking out "chief constable" in the first line and in the fourth and fifth lines and inserting in lieu thereof in each instance "chief of police".





SECTION 5—Subsection 3. The amendment provides that, where the office of chief of police is vacant, the nominal defendant is the chairman of the board or the head of the council where there is no board.

Subsection 6. Provision is made for the case where municipalities with an amalgamated police force are sued for damages caused by police.

Subsection 7. The present provision authorizes municipal councils to voluntarily pay damages and costs in respect of claims in tort against a police officer. The amendment includes costs in criminal actions.

SECTION 6. The repeal of the former section 24 by *The Police Amendment Act, 1965* came into force on Royal Assent. The substituted provision only applied to conduct after the 1st day of January, 1966. The provision is intended to restore the former law for the interval.

(3) Subsection 3 of the said section 23 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 298, s. 23  
(1965,  
c. 99, s. 6,  
subs. 1),  
subs. 3,  
re-enacted

- (3) Where the office of chief of police is vacant or where there is no chief of police, the chairman of the board or, where there is no board, the head of the council shall be deemed to be the chief of police for the purposes of this section.

Where  
office of  
chief of  
police  
vacant

(4) Clause *a* of subsection 4 of the said section 23 is amended by striking out "chief constable" in the second line and inserting in lieu thereof "chief of police or head of council".

R.S.O. 1960,  
c. 298, s. 23  
(1965,  
c. 99, s. 6,  
subs. 1),  
subs. 4, cl. *a*,  
amended

(5) Clause *b* of subsection 4 of the said section 23 is amended by striking out "chief constable" in the third and fourth lines and inserting in lieu thereof "chief of police".

R.S.O. 1960,  
c. 298, s. 23  
(1965,  
c. 99, s. 6,  
subs. 1),  
subs. 4, cl. *b*,  
amended

(6) The said section 23 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 298, s. 23  
(1965,  
c. 99, s. 6,  
subs. 1),  
amended

- (4a) Where damages and costs are awarded under this section in respect of the tort of a member of an amalgamated police force, each municipality participating in the amalgamation is jointly and severally liable for the damages and costs referred to in subsection 4.

Payment  
where  
amal-  
gamated  
force

(7) Subsection 5 of the said section 23 is amended by striking out "proceedings for a tort committed by him" in the fourth and fifth lines and inserting in lieu thereof "any civil or criminal proceedings brought against him", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 298, s. 23  
(1965,  
c. 99, s. 6,  
subs. 1),  
subs. 5,  
amended

- (5) The council of a municipality may, in such cases and to such extent as it thinks fit, pay any damages or costs awarded against a member of the police force maintained by them or any special constable in any civil or criminal proceedings brought against him, any costs incurred and not recovered by him in any such proceedings, and any sum required in connection with the settlement of any claim that has or might have given rise to such proceedings.

Indem-  
nifying  
police  
officers

6. Notwithstanding section 16 of *The Police Amendment Act, 1965*, the repeal of section 24 of *The Police Act* by subsection 1 of section 6 of *The Police Amendment Act, 1965* shall not be deemed to have become effective until the 1st day of January, 1966.

Effective  
date of  
repeal  
of s. 24

R.S.O. 1960,  
c. 298, s. 25b  
(1965,  
c. 99, s. 7),  
amended

**7.** Section 25b of *The Police Act*, as enacted by section 7 of *The Police Amendment Act, 1965*, is amended by adding thereto the following subsection:

Appoint-  
ment of  
board

- (2) Any appointments to the board for a proposed amalgamated municipality may be made before the amalgamation takes effect.

R.S.O. 1960,  
c. 298, s. 27,  
subs. 1  
(1964,  
c. 92, s. 8,  
subs. 1),  
amended

**8.** Subsection 1 of section 27 of *The Police Act*, as re-enacted by subsection 1 of section 8 of *The Police Amendment Act, 1964*, is amended by striking out "chief constable and any deputy chief constable" in the twelfth and thirteenth lines and inserting in lieu thereof "chief of police and any deputy chief of police".

R.S.O. 1960,  
c. 298, s. 33,  
subs. 1,  
amended

**9.** Subsection 1 of section 33 of *The Police Act* is amended by striking out "chief constable and any deputy chief constable" in the sixth and seventh lines and inserting in lieu thereof "chief of police and any deputy chief of police".

R.S.O. 1960,  
c. 298, s. 38,  
cl. c,  
amended

**10.** Clause *c* of section 38 of *The Police Act* is amended by striking out "under any Act" in the first line, so that the clause shall read as follows:

- (c) unless a pension plan established for the members is in force under which the municipality contributes an amount not less than 5 per cent of the amount of the salaries of the members participating in the plan.

R.S.O. 1960,  
c. 298, s. 39b  
(1962-63,  
c. 106, s. 4),  
cl. b,  
amended

**11.—(1)** Clause *b* of section 39b of *The Police Act*, as enacted by section 4 of *The Police Amendment Act, 1962-63*, is amended by striking out "chief constables" in the fourth line and inserting in lieu thereof "chiefs of police".

R.S.O. 1960,  
c. 298, s. 39b  
(1962-63,  
c. 106, s. 4),  
cl. c,  
amended

(2) Clause *c* of the said section 39b is amended by striking out "chief constables" in the third and fourth lines and inserting in lieu thereof "chiefs of police".

R.S.O. 1960,  
c. 298, s. 39b  
(1962-63,  
c. 106, s. 4),  
amended

(3) The said section 39b is amended by adding thereto the following clause:

- (da) requiring municipalities to provide such lock-ups as the Commission determines.

R.S.O. 1960,  
c. 298, s. 39b  
(1962-63,  
c. 106, s. 4),  
cl. h,  
amended

(4) Clause *h* of the said section 39b is amended by striking out "from" in the first line and inserting in lieu thereof "by", so that the clause shall read as follows:

- (h) to hear and dispose of appeals by members of police forces in accordance with this Act and the regulations;  
and

. . . . .

SECTION 7. The new provision provides authority to appoint the new board upon an amalgamation for purposes preliminary to the amalgamation taking effect.

SECTION 10. The amendment permits recognition of the Canada Pension Plan for grants purposes.

SECTION 11—Subsection 3. The clause added gives the Ontario Police Commission authority to require municipalities to provide lock-ups.

Subsection 4. The amendment is for clarification.



SECTION 12. Provision is made for payment of damages occasioned by the tortions of provincial police in the same manner as now exists in respect of municipal police.

SECTION 13—Subsection 1. The amendment confirms the method of dismissing auxiliary members of police forces.

SECTION 15. The amendment ensures that civilian employees do not have the powers and duties of police officers.

**12.** *The Police Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 298,  
amended

**43a.**—(1) The Commissioner is liable, in respect of torts committed by members of the force in the performance or purported performance of their duties, in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and shall in respect of any such torts be treated for all purposes as a joint tortfeasor. Liability  
for torts

(2) The Treasurer of Ontario shall pay out of the Consolidated Revenue Fund, Payment by  
Ontario

(a) any damages awarded against the Commissioner in any proceeding brought against him by virtue of this section and any costs incurred by him in any such proceeding so far as not recovered by him in the proceedings; and

(b) subject to the approval of the Lieutenant Governor in Council, any sum required in connection with the settlement of any claim made against the chief constable by virtue of this section.

**13.**—(1) Subsection 1 of section 45c of *The Police Act*, as re-enacted by section 9 of *The Police Amendment Act, 1965*, is amended by adding at the end thereof “and may suspend or terminate any such appointment”, so that the subsection shall read as follows: R.S.O. 1960,  
c. 298, s. 45c  
(1965,  
c. 99, s. 9),  
subs. 1,  
amended

(1) An authority empowered to appoint members of a police force may appoint auxiliary members in a number approved by the Commission, but not exceeding the number of other members of the force, and may suspend or terminate any such appointment. Appoint-  
ment of  
auxiliary  
police

(2) Subsection 3 of the said section 45c is amended by striking out “chief constable” in the third line and inserting in lieu thereof “chief of police”. R.S.O. 1960,  
c. 298, s. 45c  
(1965,  
c. 99, s. 9),  
subs. 3,  
amended

**14.** Section 46 of *The Police Act* is amended by striking out “chief constable” in the first line and inserting in lieu thereof “chief of police”. R.S.O. 1960,  
c. 298, s. 46,  
amended

**15.** Section 47 of *The Police Act* is amended by inserting after “Part II” in the first line “except assistants and civilian employees”, so that the section shall read as follows: R.S.O. 1960,  
c. 298, s. 47,  
amended

Duties and  
powers of  
members  
of police  
forces

47. The members of police forces appointed under Part II, except assistants and civilian employees, are charged with the duty of preserving the peace, preventing robberies and other crimes and offences, including offences against the by-laws of the municipality, and apprehending offenders, and laying informations before the proper tribunal, and prosecuting and aiding in the prosecuting of offenders, and have generally all the powers and privileges and are liable to all the duties and responsibilities that belong to constables.

R.S.O. 1960,  
c. 298, s. 48,  
subs. 1,  
amended

- 16.** Subsection 1 of section 48 of *The Police Act*, as amended by subsection 1 of section 9 of *The Police Amendment Act, 1961-62* and subsections 1 and 2 of section 10 of *The Police Amendment Act, 1965*, is further amended by striking out "chief constable" in the fourth line and inserting in lieu thereof "chief of police".

R.S.O. 1960,  
c. 298, s. 55,  
subs. 1,  
amended

- 17.**—(1) Subsection 1 of section 55 of *The Police Act* is amended by striking out "chief constable" in the first line and inserting in lieu thereof "chief of police".

R.S.O. 1960,  
c. 298, s. 55,  
subs. 2,  
amended

- (2) Subsection 2 of the said section 55 is amended by striking out "member" in the first line and inserting in lieu thereof "chief of police, other police officer and constable", so that the subsection shall read as follows:

Disposition  
of oaths

- (2) The oath of every chief of police, other police officer and constable of a municipal police force shall be deposited in the office of the clerk of the municipality or of the secretary of the board of the municipality for which he is appointed.

R.S.O. 1960,  
c. 298,  
amended

- 18.** *The Police Act* is amended by adding thereto the following section:

Police  
cadets

- 61a. Any chief of police may, subject to the approval of the board or, where there is no board, of the council, appoint persons as police cadets to undergo training, and police cadets shall be deemed to be members of the police force.

R.S.O. 1960,  
c. 298, s. 62,  
subs. 1,  
amended

- 19.** Subsection 1 of section 62 of *The Police Act*, as amended by section 14 of *The Police Amendment Act, 1965*, is further amended by adding thereto the following clause:

(ea) governing lock-ups and providing for their inspection.

SECTION 17—Subsection 2. The reference to persons who take an oath is restated to exclude civilian members of police forces.

SECTION 18. The new section provides authority to establish a police cadet training system.

SECTION 19. The new clause authorizes regulations for the purpose stated in the clause.



SECTION 20. *The Police Amendment Act, 1965* made civilian employees members of municipal police forces. For the purposes of provincial grants, the civilian members are included from the 1st day of January, 1965, instead of the 22nd day of June, 1965.

**20.** For the purposes of sections 36, 37 and 38 of *The Police Act, The Police Amendment Act, 1965* shall be deemed to have come into force on the 1st day of January, 1965.

Application  
of 1965,  
c. 99, to  
R.S.O. 1960,  
c. 298,  
ss. 36-38

**21.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**22.** This Act may be cited as *The Police Amendment Act, 1966*.

Short title

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*1st Reading*

April 22nd, 1966

*2nd Reading*

*3rd Reading*

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MR. WISHART

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# BILL 99

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## An Act to amend The Police Act

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MR. WISHART

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*(Reprinted as amended by the Committee on Legal Bills and Labour)*



#### EXPLANATORY NOTES

SECTION 1. The provision repealed provides for rotation of heads of council on a joint board. This provision became redundant when, by amendment in 1965, the head of each council is a member of the board.

SECTIONS 2 (1), 4, 5 (1, 2, 4, 5), 8, 9, 11 (1, 2), 13 (2), 14, 16 and 17 (1) of the Bill replace the term "chief constable" with "chief of police".

SECTION 2—Subsection 2. The amendment provides for the case where there is a joint board or amalgamated police forces.

SECTION 3. The amendments provide for the disposition of stolen or abandoned property where there is no board.

## An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 8 of *The Police Act* is repealed.

R.S.O. 1960,  
c. 298, s. 8,  
subs. 3,  
repealed

- 2.—(1) Subsection 1 of section 13 of *The Police Act*, as re-enacted by section 4 of *The Police Amendment Act, 1965*, is amended by striking out "chief constable" in the third line and inserting in lieu thereof "chief of police".

R.S.O. 1960,  
c. 298, s. 13  
(1965,  
c. 99, s. 4),  
subs. 1,  
amended

- (2) Subsection 2 of the said section 13 is amended by inserting after "council" in the second line "or each council responsible for maintaining the force", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 298, s. 13  
(1965,  
c. 99, s. 4),  
subs. 2,  
amended

- (2) Every board shall, on or before the 1st day of March in each year, prepare and submit to the council or each council responsible for maintaining the force, for its consideration and approval, its estimates of all moneys required for the year to pay the remuneration of the members of the police force and to provide and pay for the accommodation, arms, equipment and other things for the use and maintenance of the force.

Estimates

- 3.—(1) Subsection 1 of section 17 of *The Police Act* is amended by inserting after "board" in the fifth line "or, where there is no board, the chief of police" and by inserting after "board" in the sixth line "or, where there is no board, the council", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 298, s. 17,  
subs. 1,  
amended

- (1) Where any motor vehicle, bicycle or any personal property of any kind is in the possession of the board or a member of the police force by reason of having been stolen from its owner or by reason of having been found abandoned in a public place and the board or, where there is no board, the chief of police

Sale of  
stolen and  
abandoned  
property

is unable to ascertain its owner, the board or, where there is no board, the council may cause it to be sold or otherwise disposed of as hereinafter set forth and, subject to subsection 3, may retain to its own use the proceeds of such sale or disposition.

R.S.O. 1960,  
c. 298, s. 17,  
subs. 2,  
amended

(2) Subsection 2 of the said section 17 is amended by inserting after "board" in the third line "or, where there is no board, the council", so that the subsection shall read as follows:

Procedure  
for sale

(2) Where such property is perishable, the sale or disposition of it may be made at any time without notice of any kind, and, where such property is not perishable, the board or, where there is no board, the council may,

(a) in the case of property, other than motor vehicles or bicycles, after the expiration of three months from the time it came into possession of the board or member of the police force; or

(b) in the case of motor vehicles or bicycles, after the expiration of one month from the time it came into possession of the board or member of the police force,

sell it by public auction after at least ten days notice of the time and place of holding such auction has been given by publication once in a newspaper published in the municipality, and any such sale may be adjourned from time to time until the property is sold.

R.S.O. 1960,  
c. 298, s. 19  
(1965,  
c. 99, s. 5),  
subs. 3,  
amended

4. Subsection 3 of section 19 of *The Police Act*, as re-enacted by section 5 of *The Police Amendment Act, 1965*, is amended by striking out "chief constable" in the second and third lines and inserting in lieu thereof "chief of police".

R.S.O. 1960,  
c. 298, s. 23  
(1965,  
c. 99, s. 6,  
subs. 1),  
subs. 1,  
amended

5.—(1) Subsection 1 of section 23 of *The Police Act*, as re-enacted by subsection 1 of section 6 of *The Police Amendment Act, 1965*, is amended by striking out "chief constable of a police force" in the first line and inserting in lieu thereof "chief of police".

R.S.O. 1960,  
c. 298, s. 23  
(1965,  
c. 99, s. 6,  
subs. 1),  
subs. 2,  
amended

(2) Subsection 2 of the said section 23 is amended by striking out "chief constable" in the first line and in the fourth and fifth lines and inserting in lieu thereof in each instance "chief of police".





SECTION 5—Subsection 3. The amendment provides that, where the office of chief of police is vacant, the nominal defendant is the chairman of the board or the head of the council where there is no board.

Subsection 6. Provision is made for the case where municipalities with an amalgamated police force are sued for damages caused by police.

Subsection 7. The present provision authorizes municipal councils to voluntarily pay damages and costs in respect of claims in tort against a police officer. The amendment includes costs in criminal actions.

SECTION 6. The repeal of the former section 24 by *The Police Amendment Act, 1965* came into force on Royal Assent. The substituted provision only applied to conduct after the 1st day of January, 1966. The provision is intended to restore the former law for the interval.

(3) Subsection 3 of the said section 23 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 298, s. 23  
(1965,  
c. 99, s. 6,  
subs. 1),  
subs. 3,  
re-enacted

- (3) Where the office of chief of police is vacant or where there is no chief of police, the chairman of the board or, where there is no board, the head of the council shall be deemed to be the chief of police for the purposes of this section.

Where  
office of  
chief of  
police  
vacant

(4) Clause *a* of subsection 4 of the said section 23 is amended by striking out "chief constable" in the second line and inserting in lieu thereof "chief of police or head of council".

R.S.O. 1960,  
c. 298, s. 23  
(1965,  
c. 99, s. 6,  
subs. 1),  
subs. 4, cl. *a*,  
amended

(5) Clause *b* of subsection 4 of the said section 23 is amended by striking out "chief constable" in the third and fourth lines and inserting in lieu thereof "chief of police".

R.S.O. 1960,  
c. 298, s. 23  
(1965,  
c. 99, s. 6,  
subs. 1),  
subs. 4, cl. *b*,  
amended

(6) The said section 23 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 298, s. 23  
(1965,  
c. 99, s. 6,  
subs. 1),  
amended

- (4a) Where damages and costs are awarded under this section in respect of the tort of a member of an amalgamated police force, each municipality participating in the amalgamation is jointly and severally liable for the damages and costs referred to in subsection 4.

Payment  
where  
amalgamated  
force

(7) Subsection 5 of the said section 23 is amended by striking out "proceedings for a tort committed by him" in the fourth and fifth lines and inserting in lieu thereof "any civil or criminal proceedings brought against him", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 298, s. 23  
(1965,  
c. 99, s. 6,  
subs. 1),  
subs. 5,  
amended

- (5) The council of a municipality may, in such cases and to such extent as it thinks fit, pay any damages or costs awarded against a member of the police force maintained by them or any special constable in any civil or criminal proceedings brought against him, any costs incurred and not recovered by him in any such proceedings, and any sum required in connection with the settlement of any claim that has or might have given rise to such proceedings.

Indemnifying  
police  
officers

6. Notwithstanding section 16 of *The Police Amendment Act, 1965*, the repeal of section 24 of *The Police Act* by subsection 1 of section 6 of *The Police Amendment Act, 1965* shall not be deemed to have become effective until the 1st day of January, 1966.

Effective  
date of  
repeal  
of s. 24

R.S.O. 1960,  
c. 298, s. 25b  
(1965,  
c. 99, s. 7),  
amended

**7.** Section 25b of *The Police Act*, as enacted by section 7 of *The Police Amendment Act, 1965*, is amended by adding thereto the following subsection:

Appoint-  
ment of  
board

(2) Any appointments to the board for a proposed amalgamated municipality may be made before the amalgamation takes effect.

R.S.O. 1960,  
c. 298, s. 27,  
subs. 1  
(1964,  
c. 92, s. 8,  
subs. 1),  
amended

**8.** Subsection 1 of section 27 of *The Police Act*, as re-enacted by subsection 1 of section 8 of *The Police Amendment Act, 1964*, is amended by striking out "chief constable and any deputy chief constable" in the twelfth and thirteenth lines and inserting in lieu thereof "chief of police and any deputy chief of police".

R.S.O. 1960,  
c. 298, s. 33,  
subs. 1,  
amended

**9.** Subsection 1 of section 33 of *The Police Act* is amended by striking out "chief constable and any deputy chief constable" in the sixth and seventh lines and inserting in lieu thereof "chief of police and any deputy chief of police".

R.S.O. 1960,  
c. 298, s. 38,  
cl. c,  
amended

**10.** Clause c of section 38 of *The Police Act* is amended by striking out "under any Act" in the first line, so that the clause shall read as follows:

(c) unless a pension plan established for the members is in force under which the municipality contributes an amount not less than 5 per cent of the amount of the salaries of the members participating in the plan.

R.S.O. 1960,  
c. 298, s. 39b  
(1962-63,  
c. 106, s. 4),  
cl. b,  
amended

**11.—(1)** Clause b of section 39b of *The Police Act*, as enacted by section 4 of *The Police Amendment Act, 1962-63*, is amended by striking out "chief constables" in the fourth line and inserting in lieu thereof "chiefs of police".

R.S.O. 1960,  
c. 298, s. 39b  
(1962-63,  
c. 106, s. 4),  
cl. c,  
amended

(2) Clause c of the said section 39b is amended by striking out "chief constables" in the third and fourth lines and inserting in lieu thereof "chiefs of police".

R.S.O. 1960,  
c. 298, s. 39b  
(1962-63,  
c. 106, s. 4),  
amended

(3) The said section 39b is amended by adding thereto the following clause:

(da) requiring municipalities to provide such lock-ups as the Commission determines.

R.S.O. 1960,  
c. 298, s. 39b  
(1962-63,  
c. 106, s. 4),  
cl. h,  
amended

(4) Clause h of the said section 39b is amended by striking out "from" in the first line and inserting in lieu thereof "by", so that the clause shall read as follows:

(h) to hear and dispose of appeals by members of police forces in accordance with this Act and the regulations; and

SECTION 7. The new provision provides authority to appoint the new board upon an amalgamation for purposes preliminary to the amalgamation taking effect.

SECTION 10. The amendment permits recognition of the Canada Pension Plan for grants purposes.

SECTION 11—Subsection 3. The clause added gives the Ontario Police Commission authority to require municipalities to provide lock-ups.

Subsection 4. The amendment is for clarification.



SECTION 12. Provision is made for payment of damages occasioned by the tortions of provincial police in the same manner as now exists in respect of municipal police.

SECTION 13—Subsection 1. The amendment confirms the method of dismissing auxiliary members of police forces.

SECTION 15. The amendment ensures that civilian employees do not have the powers and duties of police officers.

**12.** *The Police Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 298,  
amended

43a.—(1) The Commissioner is liable, in respect of torts committed by members of the force in the performance or purported performance of their duties, in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and shall in respect of any such torts be treated for all purposes as a joint tortfeasor. Liability  
for torts

(2) The Treasurer of Ontario shall pay out of the Consolidated Revenue Fund, Payment by  
Ontario

(a) any damages awarded against the Commissioner in any proceeding brought against him by virtue of this section and any costs incurred by him in any such proceeding so far as not recovered by him in the proceedings; and

(b) subject to the approval of the Lieutenant Governor in Council, any sum required in connection with the settlement of any claim made against the Commissioner by virtue of this section.

**13.**—(1) Subsection 1 of section 45c of *The Police Act*, as re-enacted by section 9 of *The Police Amendment Act, 1965*, is amended by adding at the end thereof "and may suspend or terminate any such appointment", so that the subsection shall read as follows: R.S.O. 1960,  
c. 298, s. 45c  
(1965,  
c. 99, s. 9),  
subs. 1,  
amended

(1) An authority empowered to appoint members of a police force may appoint auxiliary members in a number approved by the Commission, but not exceeding the number of other members of the force, and may suspend or terminate any such appointment. Appoint-  
ment of  
auxiliary  
police

(2) Subsection 3 of the said section 45c is amended by striking out "chief constable" in the third line and inserting in lieu thereof "chief of police". R.S.O. 1960,  
c. 298, s. 45c  
(1965,  
c. 99, s. 9),  
subs. 3,  
amended

**14.** Section 46 of *The Police Act* is amended by striking out "chief constable" in the first line and inserting in lieu thereof "chief of police". R.S.O. 1960,  
c. 298, s. 46,  
amended

**15.** Section 47 of *The Police Act* is amended by inserting after "Part II" in the first line "except assistants and civilian employees", so that the section shall read as follows: R.S.O. 1960,  
c. 298, s. 47,  
amended

Duties and  
powers of  
members  
of police  
forces

47. The members of police forces appointed under Part II, except assistants and civilian employees, are charged with the duty of preserving the peace, preventing robberies and other crimes and offences, including offences against the by-laws of the municipality, and apprehending offenders, and laying informations before the proper tribunal, and prosecuting and aiding in the prosecuting of offenders, and have generally all the powers and privileges and are liable to all the duties and responsibilities that belong to constables.

R.S.O. 1960,  
c. 298, s. 48,  
subs. 1,  
amended

16. Subsection 1 of section 48 of *The Police Act*, as amended by subsection 1 of section 9 of *The Police Amendment Act, 1961-62* and subsections 1 and 2 of section 10 of *The Police Amendment Act, 1965*, is further amended by striking out "chief constable" in the fourth line and inserting in lieu thereof "chief of police".

R.S.O. 1960,  
c. 298, s. 55,  
subs. 1,  
amended

- 17.—(1) Subsection 1 of section 55 of *The Police Act* is amended by striking out "chief constable" in the first line and inserting in lieu thereof "chief of police".

R.S.O. 1960,  
c. 298, s. 55,  
subs. 2,  
amended

- (2) Subsection 2 of the said section 55 is amended by striking out "member" in the first line and inserting in lieu thereof "chief of police, other police officer and constable", so that the subsection shall read as follows:

Disposition  
of oaths

- (2) The oath of every chief of police, other police officer and constable of a municipal police force shall be deposited in the office of the clerk of the municipality or of the secretary of the board of the municipality for which he is appointed.

R.S.O. 1960,  
c. 298,  
amended

18. *The Police Act* is amended by adding thereto the following section:

Police  
cadets

- 61a. Any chief of police may, subject to the approval of the board or, where there is no board, of the council, appoint persons as police cadets to undergo training, and police cadets shall be deemed to be members of the police force.

R.S.O. 1960,  
c. 298, s. 62,  
subs. 1,  
amended

19. Subsection 1 of section 62 of *The Police Act*, as amended by section 14 of *The Police Amendment Act, 1965*, is further amended by adding thereto the following clause:

(ea) governing lock-ups and providing for their inspection.

SECTION 17—Subsection 2. The reference to persons who take an oath is restated to exclude civilian members of police forces.

SECTION 18. The new section provides authority to establish a police cadet training system.

SECTION 19. The new clause authorizes regulations for the purpose stated in the clause.



SECTION 20. *The Police Amendment Act, 1965* made civilian employees members of municipal police forces. For the purposes of provincial grants, the civilian members are included from the 1st day of January, 1965, instead of the 22nd day of June, 1965.

**20.** For the purposes of sections 36, 37 and 38 of *The Police Act, The Police Amendment Act, 1965* shall be deemed to have come into force on the 1st day of January, 1965. Application of 1965, c. 99, to R.S.O. 1960, c. 298, ss. 36-38

**21.**—(1) This Act, except subsection 7 of section 5, comes into force on the day it receives Royal Assent. Commencement

(2) Subsection 7 of section 5 shall be deemed to have come into force on the 1st day of January, 1966. Idem

**22.** This Act may be cited as *The Police Amendment Act, 1966*. Short title

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*1st Reading*

April 22nd, 1966

*2nd Reading*

May 5th, 1966

*3rd Reading*

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MR. WISHART

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*(Reprinted as amended by the Committee  
on Legal Bills and Labour)*

# **BILL 99**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Police Act**

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**MR. WISHART**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**





BILL 99

1966

## An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 8 of *The Police Act* is repealed.

R.S.O. 1960,  
c. 298, s. 8,  
subs. 3,  
repealed

- 2.—(1) Subsection 1 of section 13 of *The Police Act*, as re-enacted by section 4 of *The Police Amendment Act, 1965*, is amended by striking out "chief constable" in the third line and inserting in lieu thereof "chief of police".

R.S.O. 1960,  
c. 298, s. 13  
(1965,  
c. 99, s. 4),  
subs. 1,  
amended

- (2) Subsection 2 of the said section 13 is amended by inserting after "council" in the second line "or each council responsible for maintaining the force", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 298, s. 13  
(1965,  
c. 99, s. 4),  
subs. 2,  
amended

- (2) Every board shall, on or before the 1st day of March in each year, prepare and submit to the council or each council responsible for maintaining the force, for its consideration and approval, its estimates of all moneys required for the year to pay the remuneration of the members of the police force and to provide and pay for the accommodation, arms, equipment and other things for the use and maintenance of the force.

Estimates

- 3.—(1) Subsection 1 of section 17 of *The Police Act* is amended by inserting after "board" in the fifth line "or, where there is no board, the chief of police" and by inserting after "board" in the sixth line "or, where there is no board, the council", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 298, s. 17,  
subs. 1,  
amended

- (1) Where any motor vehicle, bicycle or any personal property of any kind is in the possession of the board or a member of the police force by reason of having been stolen from its owner or by reason of having been found abandoned in a public place and the board or, where there is no board, the chief of police

Sale of  
stolen and  
abandoned  
property

is unable to ascertain its owner, the board or, where there is no board, the council may cause it to be sold or otherwise disposed of as hereinafter set forth and, subject to subsection 3, may retain to its own use the proceeds of such sale or disposition.

R.S.O. 1960,  
c. 298, s. 17,  
subs. 2,  
amended

(2) Subsection 2 of the said section 17 is amended by inserting after "board" in the third line "or, where there is no board, the council", so that the subsection shall read as follows:

Procedure  
for sale

(2) Where such property is perishable, the sale or disposition of it may be made at any time without notice of any kind, and, where such property is not perishable, the board or, where there is no board, the council may,

(a) in the case of property, other than motor vehicles or bicycles, after the expiration of three months from the time it came into possession of the board or member of the police force; or

(b) in the case of motor vehicles or bicycles, after the expiration of one month from the time it came into possession of the board or member of the police force,

sell it by public auction after at least ten days notice of the time and place of holding such auction has been given by publication once in a newspaper published in the municipality, and any such sale may be adjourned from time to time until the property is sold.

R.S.O. 1960,  
c. 298, s. 19  
(1965,  
c. 99, s. 5),  
subs. 3,  
amended

4. Subsection 3 of section 19 of *The Police Act*, as re-enacted by section 5 of *The Police Amendment Act, 1965*, is amended by striking out "chief constable" in the second and third lines and inserting in lieu thereof "chief of police".

R.S.O. 1960,  
c. 298, s. 23  
(1965,  
c. 99, s. 6,  
subs. 1),  
subs. 1,  
amended

5.—(1) Subsection 1 of section 23 of *The Police Act*, as re-enacted by subsection 1 of section 6 of *The Police Amendment Act, 1965*, is amended by striking out "chief constable of a police force" in the first line and inserting in lieu thereof "chief of police".

R.S.O. 1960,  
c. 298, s. 23  
(1965,  
c. 99, s. 6,  
subs. 1),  
subs. 2,  
amended

(2) Subsection 2 of the said section 23 is amended by striking out "chief constable" in the first line and in the fourth and fifth lines and inserting in lieu thereof in each instance "chief of police".

(3) Subsection 3 of the said section 23 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 298, s. 23  
(1965,  
c. 99, s. 6,  
subs. 1),  
subs. 3,  
re-enacted

- (3) Where the office of chief of police is vacant or where there is no chief of police, the chairman of the board or, where there is no board, the head of the council shall be deemed to be the chief of police for the purposes of this section.

Where  
office of  
chief of  
police  
vacant

(4) Clause *a* of subsection 4 of the said section 23 is amended by striking out "chief constable" in the second line and inserting in lieu thereof "chief of police or head of council".

R.S.O. 1960,  
c. 298, s. 23  
(1965,  
c. 99, s. 6,  
subs. 1),  
subs. 4, cl. *a*,  
amended

(5) Clause *b* of subsection 4 of the said section 23 is amended by striking out "chief constable" in the third and fourth lines and inserting in lieu thereof "chief of police".

R.S.O. 1960,  
c. 298, s. 23  
(1965,  
c. 99, s. 6,  
subs. 1),  
subs. 4, cl. *b*,  
amended

(6) The said section 23 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 298, s. 23  
(1965,  
c. 99, s. 6,  
subs. 1),  
amended

- (4a) Where damages and costs are awarded under this section in respect of the tort of a member of an amalgamated police force, each municipality participating in the amalgamation is jointly and severally liable for the damages and costs referred to in subsection 4.

Payment  
where  
amal-  
gamated  
force

(7) Subsection 5 of the said section 23 is amended by striking out "proceedings for a tort committed by him" in the fourth and fifth lines and inserting in lieu thereof "any civil or criminal proceedings brought against him", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 298, s. 23  
(1965,  
c. 99, s. 6,  
subs. 1),  
subs. 5,  
amended

- (5) The council of a municipality may, in such cases and to such extent as it thinks fit, pay any damages or costs awarded against a member of the police force maintained by them or any special constable in any civil or criminal proceedings brought against him, any costs incurred and not recovered by him in any such proceedings, and any sum required in connection with the settlement of any claim that has or might have given rise to such proceedings.

Indemni-  
fying  
police  
officers

6. Notwithstanding section 16 of *The Police Amendment Act, 1965*, the repeal of section 24 of *The Police Act* by subsection 1 of section 6 of *The Police Amendment Act, 1965* shall not be deemed to have become effective until the 1st day of January, 1966.

Effective  
date of  
repeal  
of s. 24



R.S.O. 1960,  
c. 298, s. 25b  
(1965,  
c. 99, s. 7),  
amended

**7.** Section 25b of *The Police Act*, as enacted by section 7 of *The Police Amendment Act, 1965*, is amended by adding thereto the following subsection:

Appointment  
of  
board

- (2) Any appointments to the board for a proposed amalgamated municipality may be made before the amalgamation takes effect.

R.S.O. 1960,  
c. 298, s. 27,  
subs. 1  
(1964,  
c. 92, s. 8,  
subs. 1),  
amended

**8.** Subsection 1 of section 27 of *The Police Act*, as re-enacted by subsection 1 of section 8 of *The Police Amendment Act, 1964*, is amended by striking out "chief constable and any deputy chief constable" in the twelfth and thirteenth lines and inserting in lieu thereof "chief of police and any deputy chief of police".

R.S.O. 1960,  
c. 298, s. 33,  
subs. 1,  
amended

**9.** Subsection 1 of section 33 of *The Police Act* is amended by striking out "chief constable and any deputy chief constable" in the sixth and seventh lines and inserting in lieu thereof "chief of police and any deputy chief of police".

R.S.O. 1960,  
c. 298, s. 38,  
cl. c,  
amended

**10.** Clause *c* of section 38 of *The Police Act* is amended by striking out "under any Act" in the first line, so that the clause shall read as follows:

- (c) unless a pension plan established for the members is in force under which the municipality contributes an amount not less than 5 per cent of the amount of the salaries of the members participating in the plan.

R.S.O. 1960,  
c. 298, s. 39b  
(1962-63,  
c. 106, s. 4),  
cl. b,  
amended

**11.—**(1) Clause *b* of section 39b of *The Police Act*, as enacted by section 4 of *The Police Amendment Act, 1962-63*, is amended by striking out "chief constables" in the fourth line and inserting in lieu thereof "chiefs of police".

R.S.O. 1960,  
c. 298, s. 39b  
(1962-63,  
c. 106, s. 4),  
cl. c,  
amended

(2) Clause *c* of the said section 39b is amended by striking out "chief constables" in the third and fourth lines and inserting in lieu thereof "chiefs of police".

R.S.O. 1960,  
c. 298, s. 39b  
(1962-63,  
c. 106, s. 4),  
amended

(3) The said section 39b is amended by adding thereto the following clause:

- (da) to require municipalities to provide such lock-ups as the Commission determines.

R.S.O. 1960,  
c. 298, s. 39b  
(1962-63,  
c. 106, s. 4),  
cl. h,  
amended

(4) Clause *h* of the said section 39b is amended by striking out "from" in the first line and inserting in lieu thereof "by", so that the clause shall read as follows:

- (h) to hear and dispose of appeals by members of police forces in accordance with this Act and the regulations; and

. . . . .



**12.** *The Police Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 298,  
amended

43a.—(1) The Commissioner is liable, in respect of torts committed by members of the force in the performance or purported performance of their duties, in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and shall in respect of any such torts be treated for all purposes as a joint tortfeasor. Liability  
for torts

(2) The Treasurer of Ontario shall pay out of the Consolidated Revenue Fund, Payment by  
Ontario

(a) any damages awarded against the Commissioner in any proceeding brought against him by virtue of this section and any costs incurred by him in any such proceeding so far as not recovered by him in the proceedings; and

(b) subject to the approval of the Lieutenant Governor in Council, any sum required in connection with the settlement of any claim made against the Commissioner by virtue of this section.

**13.**—(1) Subsection 1 of section 45c of *The Police Act*, as re-enacted by section 9 of *The Police Amendment Act, 1965*, is amended by adding at the end thereof "and may suspend or terminate any such appointment", so that the subsection shall read as follows: R.S.O. 1960,  
c. 298, s. 45c  
(1965,  
c. 99, s. 9),  
subs. 1,  
amended

(1) An authority empowered to appoint members of a police force may appoint auxiliary members in a number approved by the Commission, but not exceeding the number of other members of the force, and may suspend or terminate any such appointment. Appoint-  
ment of  
auxiliary  
police

(2) Subsection 3 of the said section 45c is amended by striking out "chief constable" in the third line and inserting in lieu thereof "chief of police". R.S.O. 1960,  
c. 298, s. 45c  
(1965,  
c. 99, s. 9),  
subs. 3,  
amended

**14.** Section 46 of *The Police Act* is amended by striking out "chief constable" in the first line and inserting in lieu thereof "chief of police". R.S.O. 1960,  
c. 298, s. 46,  
amended

**15.** Section 47 of *The Police Act* is amended by inserting after "Part II" in the first line "except assistants and civilian employees", so that the section shall read as follows: R.S.O. 1960,  
c. 298, s. 47,  
amended

Duties and  
powers of  
members  
of police  
forces

47. The members of police forces appointed under Part II, except assistants and civilian employees, are charged with the duty of preserving the peace, preventing robberies and other crimes and offences, including offences against the by-laws of the municipality, and apprehending offenders, and laying informations before the proper tribunal, and prosecuting and aiding in the prosecuting of offenders, and have generally all the powers and privileges and are liable to all the duties and responsibilities that belong to constables.

R.S.O. 1960,  
c. 298, s. 48,  
subs. 1,  
amended

16. Subsection 1 of section 48 of *The Police Act*, as amended by subsection 1 of section 9 of *The Police Amendment Act, 1961-62* and subsections 1 and 2 of section 10 of *The Police Amendment Act, 1965*, is further amended by striking out "chief constable" in the fourth line and inserting in lieu thereof "chief of police".

R.S.O. 1960,  
c. 298, s. 55,  
subs. 1,  
amended

- 17.—(1) Subsection 1 of section 55 of *The Police Act* is amended by striking out "chief constable" in the first line and inserting in lieu thereof "chief of police".

R.S.O. 1960,  
c. 298, s. 55,  
subs. 2,  
amended

- (2) Subsection 2 of the said section 55 is amended by striking out "member" in the first line and inserting in lieu thereof "chief of police, other police officer and constable", so that the subsection shall read as follows:

Disposition  
of oaths

- (2) The oath of every chief of police, other police officer and constable of a municipal police force shall be deposited in the office of the clerk of the municipality or of the secretary of the board of the municipality for which he is appointed.

R.S.O. 1960,  
c. 298,  
amended

18. *The Police Act* is amended by adding thereto the following section:

Police  
cadets

- 61a. Any chief of police may, subject to the approval of the board or, where there is no board, of the council, appoint persons as police cadets to undergo training, and police cadets shall be deemed to be members of the police force.

R.S.O. 1960,  
c. 298, s. 62,  
subs. 1,  
amended

19. Subsection 1 of section 62 of *The Police Act*, as amended by section 14 of *The Police Amendment Act, 1965*, is further amended by adding thereto the following clause:

(ea) governing lock-ups and providing for their inspection.

**20.** For the purposes of sections 36, 37 and 38 of *The Police Act, The Police Amendment Act, 1965* shall be deemed to have come into force on the 1st day of January, 1965. Application of 1965, c. 99, to R.S.O. 1960, c. 298, ss. 36-38

**21.—**(1) This Act, except subsection 7 of section 5, comes into force on the day it receives Royal Assent. Commencement

(2) Subsection 7 of section 5 shall be deemed to have come into force on the 1st day of January, 1966. Idem

**22.** This Act may be cited as *The Police Amendment Act, 1966*. Short title







An Act to amend The Police Act

---

*1st Reading*

April 22nd, 1966

*2nd Reading*

May 5th, 1966

*3rd Reading*

June 15th, 1966

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MR. WISHART

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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**An Act to establish and provide for the Duties  
of a Consumer Protection Bureau**

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**MR. WISHART**

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#### EXPLANATORY NOTE

The Bill establishes a consumer protection bureau and sets out its functions.



## An Act to establish and provide for the Duties of a Consumer Protection Bureau

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) There shall be a branch of the Department of Financial and Commercial Affairs, to be known as the Consumer Protection Bureau, which shall consist of the Registrar of the Consumer Protection Bureau and such other officers and employees as are deemed necessary.

Consumer  
Protection  
Bureau  
established

(2) The Consumer Protection Bureau shall,

Duties of  
Consumer  
Protection  
Bureau

- (a) disseminate information for the purpose of educating and advising consumers respecting lending and borrowing practices;
- (b) promote and assist existing counselling services in respect of consumer credit;
- (c) receive and investigate complaints of conduct in contravention of legislation for the protection of consumers;
- (d) enforce legislation for the protection of consumers; and
- (e) perform any other duties given to it by any Act.

**2.** The moneys required for the purposes of this Act shall, until the 31st day of March, 1967, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Moneys

**3.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-  
ment

**4.** This Act may be cited as *The Consumer Protection Bureau Act, 1966*.

Short title

An Act to establish and provide for the  
Duties of a Consumer Protection Bureau

---

*1st Reading*

April 22nd, 1966

*2nd Reading*

*3rd Reading*

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MR. WISHART

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# BILL 100

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## An Act to establish and provide for the Duties of a Consumer Protection Bureau

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MR. WISHART

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*(Reprinted as amended by the Committee on Legal Bills and Labour)*

#### EXPLANATORY NOTE

The Bill establishes a consumer protection bureau and sets out its functions.

BILL 100

1966

## An Act to establish and provide for the Duties of a Consumer Protection Bureau

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) There shall be a branch of the Department of Financial and Commercial Affairs, to be known as the Consumer Protection Bureau, which shall consist of the Registrar of the Consumer Protection Bureau and such other officers and employees as are deemed necessary. Consumer Protection Bureau established

(2) The Consumer Protection Bureau shall, Duties of Consumer Protection Bureau

- (a) disseminate information for the purpose of educating and advising consumers respecting consumer protection and lending and borrowing practices;
- (b) promote and assist existing counselling services in respect of consumer credit;
- (c) receive and investigate complaints of conduct in contravention of legislation for the protection of consumers;
- (d) enforce legislation for the protection of consumers; and
- (e) perform any other duties given to it by any Act.

**2.** The moneys required for the purposes of this Act shall, until the 31st day of March, 1967, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. Moneys

**3.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

**4.** This Act may be cited as *The Consumer Protection Bureau Act, 1966*. Short title



An Act to establish and provide for the  
Duties of a Consumer Protection Bureau

---

*1st Reading*

April 22nd, 1966

*2nd Reading*

May 5th, 1966

*3rd Reading*

---

MR. WISHART

---

*(Reprinted as amended by the Committee  
on Legal Bills and Labour)*

# **BILL 100**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to establish and provide for the Duties of a Consumer Protection Bureau**

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**MR. WISHART**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**



BILL 100

1966

## An Act to establish and provide for the Duties of a Consumer Protection Bureau

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) There shall be a branch of the Department of Financial and Commercial Affairs, to be known as the Consumer Protection Bureau, which shall consist of the Registrar of the Consumer Protection Bureau and such other officers and employees as are deemed necessary.

Consumer  
Protection  
Bureau  
established

(2) The Consumer Protection Bureau shall,

Duties of  
Consumer  
Protection  
Bureau

- (a) disseminate information for the purpose of educating and advising consumers respecting consumer protection and lending and borrowing practices;
- (b) promote and assist existing counselling services in respect of consumer credit;
- (c) receive and investigate complaints of conduct in contravention of legislation for the protection of consumers;
- (d) enforce legislation for the protection of consumers; and
- (e) perform any other duties given to it by any Act.

**2.** The moneys required for the purposes of this Act shall, until the 31st day of March, 1967, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Moneys

**3.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-  
ment

**4.** This Act may be cited as *The Consumer Protection Bureau Act, 1966*.

Short title

An Act to establish and provide for the  
Duties of a Consumer Protection Bureau

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*1st Reading*

April 22nd, 1966

*2nd Reading*

May 5th, 1966

*3rd Reading*

May 18th, 1966

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MR. WISHART

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# **BILL 101**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to provide for the Protection of Buyers of Consumer Goods and for the Fair Disclosure of the Cost of Credit**

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**MR. WISHART**

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**•TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

#### EXPLANATORY NOTE

The Bill implements the principal recommendations of the Select Committee of the Legislature on Consumer Credit.

These include:

1. The registration of door-to-door sellers.
2. The information to be contained in executory contracts for sales to consumers.
3. A two-day cooling-off period for executory contracts made by door-to-door sellers.
4. Prohibition against securing repayment of a consumer's contract by charging goods other than those passing in the sale.
5. Prohibition against repossession for default under a consumer's contract where two-thirds or more of the price has been paid, except by leave of a judge.
6. Requiring the full disclosure of the cost of borrowing in specific and uniform terms.
7. Summary procedures for the protection of consumer buyers who give promissory notes that are assigned.

BILL 101

1966

## An Act to provide for the Protection of Buyers of Consumer Goods and for the Fair Disclosure of the Cost of Credit

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "borrower" means a person who receives credit;
- (b) "buyer" means a person who purchases goods for consumption or services under an executory contract and includes his agent, but does not include a person who buys in the course of carrying on business or an association of individuals, a partnership or a corporation;
- (c) "cost of borrowing" means,
  - (i) in the case of credit other than variable credit, the amount by which,
    - a. the total sum that the borrower is required to pay if the payments required are made as they become due, including all such sums regardless of the purpose or reason for the payment or the time of the payment,
 exceeds,
    - b. the sum actually received in cash by the borrower or, where the lender is a seller, the amount of the cash price of the goods or services less the sums, if any, actually paid as a down payment or credited in respect of a trade-in or paid or credited for any other reason,

- (ii) in the case of variable credit, the charges made in respect of the extension of the variable credit;
- (d) "credit" means credit for which the borrower incurs a cost of borrowing and,
  - (i) given under an agreement between a seller and a buyer to purchase goods or services by which all or part of the purchase price is payable after the agreement is entered into, or
  - (ii) given by the advancement of money,
 but does not include credit given on the security of a mortgage of real property;
- (e) "Director" means the Director of the Registration and Examination Branch of the Department of Financial and Commercial Affairs;
- (f) "executory contract" means a contract between a buyer and a seller for the purchase and sale of goods or services in respect of which delivery of the goods or performance of the services or payment in full of the consideration is not made at the time the contract is entered into;
- (g) "goods" means personal property;
- (h) "itinerant seller" means a seller whose business includes making sales in which credit is extended at a place other than his permanent place of business, whether personally or by his agent or employee;
- (i) "lender" means a person who extends credit;
- (j) "person" means an individual, an association of individuals, a partnership or a corporation, and includes an agent of any of them;
- (k) "Registrar" means the Registrar of the Consumer Protection Bureau;
- (l) "regulations" means the regulations made under this Act;
- (m) "seller" means a person who is in the business of selling goods or services to buyers, and includes his agent;



- (n) "trade-in" means consideration given by a buyer in a form other than money or an obligation to pay money;
- (o) "variable credit" means credit made available under an agreement whereby the lender agrees to make credit available to be used from time to time, at the option of the borrower for the purpose of the purchase from time to time of goods or services, and, without limiting the generality of the foregoing, includes credit arrangements, commonly known as revolving credit accounts, budget accounts, cyclical accounts and other arrangements of a similar nature.

## PART I

### REGISTRATION OF ITINERANT SELLERS

**2.—**(1) No person shall carry on business as an itinerant seller unless he is registered under this Act. Registration of itinerant sellers

(2) No person shall publish or cause to be published any representation that he is registered under this Act. Representation

**3.—**(1) The Registrar may grant registration or renewal of registration to an applicant where the proposed registration is not against the public interest, and the registration may be subject to terms and conditions. Registration

(2) Every registration and renewal of registration expires on the 31st day of December in each year. Expiry

(3) The Registrar shall not refuse to grant or refuse to renew a registration without giving the applicant an opportunity to be heard. Hearings

**4.** The Registrar may, after giving the registrant an opportunity to be heard, suspend or cancel a registration for the breach of a term or condition upon which the registration was granted or where, in his opinion, to do so is in the public interest. Suspension and cancellation

**5.** A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed. Further application

**6.** Where the Registrar refuses to grant a registration or renewal of registration, or suspends or cancels a registration, he shall, upon the request of the person whose registration or right to registration is affected, give written reasons for his decision. Reasons



Address  
for service

**7.—**(1) Every applicant for registration shall state in the application an address for service in Ontario, and all notices under this Part or the regulations are sufficiently given or served for all purposes if delivered or sent by registered mail to the latest address for service so stated or as changed under subsection 2.

Notice of  
changes  
by seller

(2) Every registered itinerant seller shall within five days of the event notify the Registrar in writing of,

(a) any change in his address for service; and

(b) any change in the officers or members in the case of an association of individuals, a partnership or a corporation.

Information

**8.—**(1) Where the Registrar receives a complaint in respect of a sale made by or on behalf of an itinerant seller and so requests in writing, the itinerant seller shall furnish the Registrar with such information respecting the sale as the Registrar requires.

Inspection  
of records

(2) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any time make an inspection of the books, documents and records of any itinerant seller.

Access

(3) Upon an inspection under subsection 2, the person inspecting is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the itinerant seller, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Notice of  
direction,  
decision,  
etc.

**9.** The Registrar shall cause a notice of every direction, decision, order or ruling of the Registrar to be delivered to any person who in the opinion of the Registrar is affected thereby.

Review

**10.—**(1) Any person whose registration or right to register is affected by a decision of the Registrar may, by notice in writing served upon the Registrar within thirty days after the delivery of the notice under section 9, request a hearing and review of the matter by the Director.

Notice of  
hearing

(2) Where a hearing and review are requested, the Director shall serve notice upon the person who requested the review notifying him of the time and place of the hearing, which

shall be within thirty days of the serving of the notice under subsection 1, except with the consent of the person who requested the review.

(3) Upon a review, the Director shall hear such evidence <sup>Evidence</sup> as is submitted to him that in his opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by him, forms the record.

(4) For the purposes of a review, the Director,

- (a) may administer oaths to witnesses and require them <sup>Power to take sworn evidence and summon witnesses</sup> to give evidence under oath; and
- (b) may require to have issued out of the Supreme Court a writ of subpoena *ad testificandum* or a writ of subpoena *duces tecum*, which the court may issue, but no person shall be compelled under any such writ to produce any document that he would not be compellable to produce on the trial of an action.

(5) Upon a review, the Director may confirm or revoke <sup>Decision of Director</sup> the decision of the Registrar or may make any other decision he deems proper.

(6) Notice of the decision of the Director made upon a <sup>Notice of decision</sup> review shall be served forthwith upon the person who requested the review, together with written reasons for his decision.

**11.**—(1) Where the Director has reviewed a decision and <sup>Appeal</sup> given his decision upon the review, the person who requested the review may appeal to a judge of the Court of Appeal.

(2) Every appeal shall be by notice of motion served upon the Director within thirty days after the delivery of the <sup>Form of appeal</sup> notice of decision under subsection 6 of section 10, and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action.

(3) The Director shall certify to the Registrar of the <sup>Material on appeal</sup> Supreme Court,

- (a) the decision that has been reviewed by him;
- (b) his decision upon the review, together with his reasons therefor;

(c) the record of the review; and

(d) all written submissions and other material received by him in connection with the review.

Counsel

(4) The Attorney General may designate counsel to assist the judge upon the hearing of an appeal under this section.

Order for  
Director's  
decision

(5) Where an appeal is taken under this section, the judge may by his order direct the Director to make such decision as the Director is authorized to make under section 10 and as the judge deems proper, and thereupon the Director shall act accordingly.

Appeal  
final

(6) The order of the judge is final, but a further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed.

Right to  
counsel

**12.** Every person whose registration or right to registration may be affected by a hearing under this Part is entitled to be represented by counsel at the hearing.

False  
adver-  
tising

**13.** Where in the opinion of the Registrar any person registered under this Act is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material, and any such order is subject to review and appeal in the same manner as an order respecting registration.

Offences

**14.—(1)** Every person who,

(a) furnishes false information in any application under this Part or in any statement or return required to be furnished under this Part; or

(b) fails to comply with any order, direction or other requirement made under this Part,

is guilty of an offence punishable under section 31, but no proceedings under this section shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Registrar.

Certificate  
as evidence

(2) A statement as to,

(a) the registration or non-registration of any person;

(b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;



- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Registrar; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Registrar is, without proof of the office or signature of the Registrar, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

## PART II

### EXECUTORY CONTRACTS

**15.** This Part applies to executory contracts for the sale <sup>Application of Part</sup> of goods where the purchase price, excluding the cost of borrowing, exceeds \$50.

**16.—(1)** Every executory contract shall be in writing and <sup>Form of executory contract</sup> shall contain,

- (a) the name and address of the seller and the buyer;
- (b) a description of the goods or services sufficient to identify them with certainty;
- (c) the price of the goods or services and a detailed statement of the terms of payment;
- (d) where credit is extended, a statement of any security for payment under the contract, including the particulars of any negotiable instrument, conditional sale agreement, chattel mortgage or any other security;
- (e) where credit is extended, the statement required to be furnished by section 21;
- (f) any warranty or guarantee applying to the goods or services and, where there is no warranty or guarantee, a statement to this effect; and
- (g) any other matter required by the regulations.

(2) An executory contract is not binding on the buyer <sup>Validity</sup> unless the contract is made in accordance with this Part and

the regulations and is signed by the parties, and a duplicate original copy thereof is in the possession of each of the parties thereto.

Deposits  
in advance

**17.** Where a trade-in is delivered or money is paid, whether by way of deposit or otherwise, on account of the proposed purchase of goods or services but no binding contract is entered into in respect of the goods and no delivery of the goods or any part thereof has been made to the buyer or no performance of the services has been made, the seller shall upon the request of the buyer return such trade-in or refund in full the moneys so paid, as the case may be.

Rescission  
of itinerant  
sales  
contract  
within  
two days

**18.**—(1) Where a buyer enters into an executory contract with an itinerant seller, the buyer may rescind the contract by delivering a notice of rescission in writing to the itinerant seller within two days after the contract has been entered into, and the buyer is not liable for any damages in respect of such rescission.

Duties  
upon  
rescission

(2) Where a buyer rescinds a contract under subsection 1,

- (a) the buyer shall return any goods received under the contract at the expense of the seller; and
- (b) the seller shall return any moneys received or realized in respect of the contract, whether from the buyer or any other person, and shall return any trade-in received under the contract.

Trade-ins

(3) Where part of the consideration for the sale of goods is a trade-in, the title to the trade-in does not pass to the seller until the two-day period mentioned in subsection 1 has expired without rescission of the contract.

Delivery  
of notice

(4) A notice of rescission may be delivered personally or sent by registered mail addressed to the person to whom delivery is required to be made at the address shown in the contract, and delivery by registered mail shall be deemed to have been made at the time of mailing.

Lien on  
other goods  
not enforce-  
able

**19.** Any provision in any executory contract or in any security agreement incidental thereto under which the seller may acquire title to, possession of or any rights in any goods of the buyer, other than the goods passing to the buyer under the contract, is not enforceable.

No re-  
possession  
after two-  
thirds paid  
except by  
leave of  
judge

**20.**—(1) Where a buyer under an executory contract has paid two-thirds or more of the purchase price of the goods as fixed by the contract, any provision in the contract, or



in any security agreement incidental thereto, under which the seller may retake possession of or resell the goods upon default in payment by the buyer is not enforceable except by leave of a judge of a county or district court.

(2) Upon an application for leave under subsection 1, <sup>Powers of judge</sup> the judge may, in his absolute discretion, grant or refuse leave or grant leave upon such terms and conditions as he deems advisable.

### PART III

#### CREDIT TRANSACTIONS

**21.** Except as provided in section 22, every lender shall <sup>Disclosure of cost of borrowing</sup> furnish to the borrower, before giving the credit, a clear statement in writing showing,

- (a) the sum, expressed as one sum in dollars and cents, actually received in cash by the borrower or, where the lender is a seller, the amount of the cash price of the goods or services;
- (b) where the lender is a seller, the sums, if any, actually paid as a down payment or credited in respect of a trade-in, or paid or credited for any other reason;
- (c) where the lender is a seller, the amount by which the sum stated under clause *a* exceeds the sum stated under clause *b*;
- (d) the cost of borrowing expressed as one sum in dollars and cents;
- (e) the percentage that the cost of borrowing bears to the sum stated,
  - (i) under clause *a*, where the lender is not a seller, or
  - (ii) under clause *c*, where the lender is a seller,
 expressed as an annual rate applied to the unpaid balance of the obligation from time to time, calculated and expressed in the manner prescribed by the regulations; and
- (f) the basis upon which additional charges are to be made in the event of default.

Interpre-  
tation

**22.**—(1) In this section, “period” means a period of time of not less than four weeks and not more than five weeks in duration.

Variable  
credit

(2) A lender extending variable credit shall,

(a) before agreeing to extend variable credit, furnish the borrower with a clear statement in writing setting forth the cost of borrowing in respect of the unpaid balances from time to time,

(i) stated as an annual percentage of such balance charged at the end of each period, subject to a minimum dollars-and-cents charge, if any, and

(ii) stated in dollars and cents in a schedule of fixed amounts of outstanding balances, and the corresponding charges for the cost of borrowing; and

(b) furnish the borrower at the end of each period during the extension of credit a clear statement in writing showing,

(i) the outstanding balance in the account of the borrower at the beginning of the period,

(ii) the amount of each extension of credit to the borrower during the period, and the date and occasion thereof,

(iii) the amount of each sum received or credited to the account of the borrower during the period, and the date and occasion thereof,

(iv) the cost of borrowing, expressed as one sum in dollars and cents, charged during the period,

(v) the outstanding balance in the account of the borrower at the end of the period, and

(vi) the statement referred to in clause *a*.

Manner of  
applying  
percentage  
rate

**23.** The percentage rate by which the cost of borrowing is expressed shall be applied in the manner prescribed by the regulations.

When  
costs of  
borrowing  
not re-  
coverable

**24.** A borrower is not liable to pay a lender any sum in excess of the sum shown in the statement required by section 21 or 22 as the cost of borrowing in respect of the transaction.

**25.** Where a sum remaining to be paid under an agreement <sup>Prepayment</sup> for credit is paid in full before the term of the agreement has expired,

- (a) the borrower is entitled to a proportionate credit in respect of the cost of borrowing; and
- (b) the lender is entitled to a proportionate part of the cost of lending,

in an amount determined in the manner prescribed by the regulations.

**26.**—(1) No lender shall represent, either orally or in <sup>Advertising of cost of borrowing</sup> print, or by radio or television broadcast, his charge for credit or cause such charge to be so represented unless the representation includes the full cost of borrowing and is expressed in the manner required by section 21 or 22.

(2) Where a lender represents or causes to be represented <sup>Advertising of other terms of credit</sup> in a printing, broadcast or other publication any terms of the credit agreement other than that referred to in subsection 1, the lender shall also include or cause to be included all other relevant terms of the credit transaction, including,

- (a) the sum to be actually received in cash by the borrower or the actual cash price of the goods;
- (b) the amount of the down payment;
- (c) the amount of each instalment; and
- (d) the number of instalments required to repay the total indebtedness, including the cost of borrowing.

**27.**—(1) Where a lender assigns a negotiable instrument <sup>Assignment of negotiable instrument</sup> given to secure credit, he shall deliver to the assignee with the negotiable instrument a copy of the statement required by section 21 and, where the lender is a seller, a copy of the contract of sale.

(2) Every assignee of a negotiable instrument who reassigns <sup>Reassignment of negotiable instrument</sup> the instrument shall deliver to his assignee the statement and contract of sale, if any, received by him in respect of the instrument.

(3) Where an assignee of a negotiable instrument to which <sup>Indemnity</sup> subsection 2 applies is entitled to recover on the instrument from the maker, the maker is entitled to be indemnified therefor by any assignor of the instrument who has not complied with subsection 1 or 2, as the case may be.



Order  
to pay  
indemnity

**28.**—(1) Where an assignor of a negotiable instrument is convicted of a contravention of section 27, the magistrate making the conviction may order that the person convicted is liable to indemnify the maker under subsection 3 of section 27.

Filing  
indemnity  
order in  
court

(2) Where an indemnity order is made under subsection 1 in favour of a person who is or becomes liable under a judgment of a court to an assignee of the negotiable instrument in respect of which the indemnity order was made, the person entitled to the indemnity may file the indemnity order in the court office of the court in which the judgment was issued.

Default  
judgment

(3) Upon the filing of the indemnity order, the registrar or clerk of the court shall issue a default judgment in favour of the person entitled to the indemnity and against the person required by the indemnity order to give the indemnity, and the amount of the default judgment shall be the amount of the judgment referred to in subsection 1 and costs together with the costs of issuing the default judgment, or such less amount as the person entitled to the indemnity by praecipe requests.

Setting  
aside or  
variation  
of default  
judgment

(4) Upon application therefor, a judge of the court in which the default judgment is issued may set aside the default judgment or may determine the amount of the indemnity or make an order of reference for the purpose and may vary the amount of the default judgment.

## PART IV

### GENERAL

Agreements  
and waivers  
contrary  
to Act

**29.** This Act applies notwithstanding any agreement or waiver to the contrary.

Rights of  
purchaser  
preserved

**30.** The rights of a buyer or borrower under this Act are in addition to any rights of the buyer or borrower under any other Act or by the operation of law, and nothing in this Act shall be construed to derogate from such rights.

Offence

**31.**—(1) Every person who contravenes this Act or the regulations and every director or officer of a corporation who knowingly concurs in a contravention of this Act or the regulations are guilty of an offence and on summary conviction are liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. Corporations

(3) Subject to subsection 1 of section 14, no proceeding under this section shall be instituted more than three years after the time when the subject-matter of the proceeding arose. Limitation

**32.** The Lieutenant Governor in Council may make Regulations regulations,

- (a) respecting the method of registration of itinerant sellers and of renewal of registration;
- (b) requiring itinerant sellers or any class thereof to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;
- (c) requiring the payment of fees on application for registration as an itinerant seller or for renewal of such registration, and prescribing the amounts thereof;
- (d) prescribing the form of executory contracts and statement of the cost of borrowing and the size, type and colour of lettering used in any provision thereof;
- (e) requiring and governing the maintenance of trust accounts by sellers or any class thereof, and prescribing the moneys that shall be held in trust and the terms and conditions thereof;
- (f) prescribing the manner in which the cost of borrowing stated as a percentage shall be calculated, expressed and applied;
- (g) prescribing the manner of determining the apportionment of the cost of borrowing for the purposes of section 25;
- (h) exempting any class of buyer, seller, itinerant seller, lender or borrower from the application of this Act or any provision thereof;
- (i) prescribing forms and providing for their use, and requiring the information in any form to be verified by affidavit;



- (j) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-  
ment

**33.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**34.** This Act may be cited as *The Consumer Protection Act, 1966*.







An Act to provide for the Protection of  
Buyers of Consumer Goods and for the  
Fair Disclosure of the Cost of Credit

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*1st Reading*

April 22nd, 1966

*2nd Reading*

*3rd Reading*

---

MR. WISHART

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# BILL 101

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## **An Act to provide for the Protection of Buyers of Consumer Goods and for the Fair Disclosure of the Cost of Credit**

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MR. WISHART

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*(Reprinted as amended by the Committee on Legal Bills and Labour)*

#### EXPLANATORY NOTE

The Bill implements the principal recommendations of the Select Committee of the Legislature on Consumer Credit.

These include:

1. The registration of door-to-door sellers.
2. The information to be contained in executory contracts for sales to consumers.
3. A two-day cooling-off period for executory contracts made by door-to-door sellers.
4. Prohibition against securing repayment of a consumer's contract by charging goods other than those passing in the sale.
5. Prohibition against repossession for default under a consumer's contract where two-thirds or more of the price has been paid, except by leave of a judge.
6. Requiring the full disclosure of the cost of borrowing in specific and uniform terms.
7. Summary procedures for the protection of consumer buyers who give promissory notes that are assigned.

BILL 101

1966

## An Act to provide for the Protection of Buyers of Consumer Goods and for the Fair Disclosure of the Cost of Credit

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-  
tation

- (a) "borrower" means a person who receives credit;
- (b) "buyer" means a person who purchases goods for consumption or services under an executory contract and includes his agent, but does not include a person who buys in the course of carrying on business or an association of individuals, a partnership or a corporation;
- (c) "cost of borrowing" means,
  - (i) in the case of credit other than variable credit, the amount by which,
    - a. the total sum that the borrower is required to pay if the payments required are made as they become due, including all such sums regardless of the purpose or reason for the payment or the time of the payment,
 exceeds,
    - b. the sum actually received in cash by the borrower or, where the lender is a seller, the amount of the cash price of the goods or services less the sums, if any, actually paid as a down payment or credited in respect of a trade-in or paid or credited for any other reason,

- (ii) in the case of variable credit, the charges made in respect of the extension of the variable credit;
- (d) "credit" means credit for which the borrower incurs a cost of borrowing and,
  - (i) given under an agreement between a seller and a buyer to purchase goods or services by which all or part of the purchase price is payable after the agreement is entered into, or
  - (ii) given by the advancement of money,

but does not include credit given on the security of a mortgage of real property;

- (e) "Director" means the Director of the Registration and Examination Branch of the Department of Financial and Commercial Affairs;
- (f) "executory contract" means a contract between a buyer and a seller for the purchase and sale of goods or services in respect of which delivery of the goods or performance of the services or payment in full of the consideration is not made at the time the contract is entered into;
- (g) "goods" means personal property;
- (h) "itinerant seller" means a seller whose business includes soliciting, negotiating or arranging for the signing by a buyer, at a place other than the seller's permanent place of business, of a contract for the sale of goods or services in which credit is extended, whether personally or by his agent or employee;
- (i) "lender" means a person who extends credit;
- (j) "person" means an individual, an association of individuals, a partnership or a corporation, and includes an agent of any of them;
- (k) "Registrar" means the Registrar of the Consumer Protection Bureau;
- (l) "regulations" means the regulations made under this Act;
- (m) "seller" means a person who is in the business of selling goods or services to buyers, and includes his agent;



- (n) "trade-in" means consideration given by a buyer in a form other than money or an obligation to pay money;
- (o) "variable credit" means credit made available under an agreement whereby the lender agrees to make credit available to be used from time to time, at the option of the borrower for the purpose of the purchase from time to time of goods or services, and, without limiting the generality of the foregoing, includes credit arrangements, commonly known as revolving credit accounts, budget accounts, cyclical accounts and other arrangements of a similar nature.

**2.** This Act does not apply to the sale of a public utility as defined in section 1 of *The Public Utilities Act* or to any charge for the transmission, distribution or storage of gas as defined in *The Ontario Energy Board Act, 1964* where such charge has been approved by the Ontario Energy Board. Application R.S.O. 1960, c. 335 1964, c. 74

## PART I

### REGISTRATION OF ITINERANT SELLERS

**3.—(1)** No person shall carry on business as an itinerant seller unless he is registered under this Act. Registration of itinerant sellers

(2) No person shall publish or cause to be published any representation that he is registered under this Act. Representation

**4.—(1)** The Registrar may grant registration or renewal of registration to an applicant where the proposed registration is not against the public interest, and the registration may be subject to terms and conditions. Registration

(2) Every registration and renewal of registration expires on the 31st day of December in each year. Expiry

(3) The Registrar shall not refuse to grant or refuse to renew a registration without giving the applicant an opportunity to be heard. Hearings

**5.** The Registrar may, after giving the registrant an opportunity to be heard, suspend or cancel a registration for the breach of a term or condition upon which the registration was granted or where, in his opinion, to do so is in the public interest. Suspension and cancellation

**6.** A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed. Further application



## Reasons

**7.** Where the Registrar refuses to grant a registration or renewal of registration, or suspends or cancels a registration, he shall, upon the request of the person whose registration or right to registration is affected, give written reasons for his decision.

Address  
for service

**8.—(1)** Every applicant for registration shall state in the application an address for service in Ontario, and all notices under this Part or the regulations are sufficiently given or served for all purposes if delivered or sent by registered mail to the latest address for service so stated or as changed under subsection 2.

Notice of  
changes  
by seller

**(2)** Every registered itinerant seller shall within five days of the event notify the Registrar in writing of,

(a) any change in his address for service; and

(b) any change in the officers or members in the case of an association of individuals, a partnership or a corporation.

## Information

**9.—(1)** Where the Registrar receives a complaint in respect of a sale made by or on behalf of an itinerant seller and so requests in writing, the itinerant seller shall furnish the Registrar with such information respecting the sale as the Registrar requires.

Inspection  
of records

**(2)** For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any time make an inspection of the books, documents and records of any itinerant seller.

## Access

**(3)** Upon an inspection under subsection 2, the person inspecting is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the itinerant seller, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Notice of  
direction,  
decision,  
etc.

**10.** The Registrar shall cause a notice of every direction, decision, order or ruling of the Registrar to be delivered to any person who in the opinion of the Registrar is affected thereby.

## Review

**11.—(1)** Any person whose registration or right to register is affected by a decision of the Registrar may, by notice in writing served upon the Registrar within thirty days after the delivery of the notice under section 10, request a hearing and review of the matter by the Director.

(2) Where a hearing and review are requested, the Director shall serve notice upon the person who requested the review notifying him of the time and place of the hearing, which shall be within thirty days of the serving of the notice under subsection 1, except with the consent of the person who requested the review. Notice of hearing

(3) Upon a review, the Director shall hear such evidence as is submitted to him that in his opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by him, forms the record. Evidence

(4) For the purposes of a review, the Director,

(a) may administer oaths to witnesses and require them to give evidence under oath; and

Power to take sworn evidence and summon witnesses

(b) may require to have issued out of the Supreme Court a writ of subpoena *ad testificandum* or a writ of subpoena *duces tecum*, which the court may issue, but no person shall be compelled under any such writ to produce any document that he would not be compellable to produce on the trial of an action.

(5) Upon a review, the Director may confirm or revoke the decision of the Registrar or may make any other decision he deems proper. Decision of Director

(6) Notice of the decision of the Director made upon a review shall be served forthwith upon the person who requested the review, together with written reasons for his decision. Notice of decision

**12.—**(1) Where the Director has reviewed a decision and given his decision upon the review, the person who requested the review may appeal to a judge of the High Court. Appeal

(2) Every appeal shall be by originating notice of motion served upon the Director within thirty days after the delivery of the notice of decision under subsection 6 of section 11. Form of appeal

(3) The Director shall certify to the Registrar of the Supreme Court, Material on appeal

(a) the decision that has been reviewed by him;

(b) his decision upon the review, together with his reasons therefor;

(c) the record of the review; and

(d) all written submissions and other material received by him in connection with the review.

**Counsel**

(4) The Attorney General may designate counsel to assist the judge upon the hearing of an appeal under this section.

**Order for  
Director's  
decision**

(5) Where an appeal is taken under this section, the judge may by his order direct the Director to make such decision as the Director is authorized to make under section 11 and as the judge deems proper, and thereupon the Director shall act accordingly.

**Appeal  
final**

(6) The order of the judge is final, but a further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed.

**Right to  
counsel**

**13.** Every person whose registration or right to registration may be affected by a hearing under this Part is entitled to be represented by counsel at the hearing.

**Offences**

**14.—**(1) Every person who,

(a) furnishes false information in any application under this Part or in any statement or return required to be furnished under this Part; or

(b) fails to comply with any order, direction or other requirement made under this Part or section 31,

is guilty of an offence punishable under section 32, but no proceedings under this section shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Registrar.

**Certificate  
as evidence**

(2) A statement as to,

(a) the registration or non-registration of any person;

(b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;

(c) the time when the facts upon which proceedings are based first came to the knowledge of the Registrar;  
or

(d) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,



purporting to be certified by the Registrar is, without proof of the office or signature of the Registrar, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

## PART II

### EXECUTORY CONTRACTS

**15.** This Part applies to executory contracts for the sale of goods or services where the purchase price, excluding the cost of borrowing, exceeds \$50. <sup>Application of Part</sup>

**16.—(1)** Every executory contract, other than an executory contract under an agreement for variable credit, shall be in writing and shall contain, <sup>Form of executory contract</sup>

- (a) the name and address of the seller and the buyer;
- (b) a description of the goods or services sufficient to identify them with certainty;
- (c) the price of the goods or services and a detailed statement of the terms of payment;
- (d) where credit is extended, a statement of any security for payment under the contract, including the particulars of any negotiable instrument, conditional sale agreement, chattel mortgage or any other security;
- (e) where credit is extended, the statement required to be furnished by section 21;
- (f) any warranty or guarantee applying to the goods or services and, where there is no warranty or guarantee, a statement to this effect; and
- (g) any other matter required by the regulations.

(2) An executory contract is not binding on the buyer unless the contract is made in accordance with this Part and the regulations and is signed by the parties, and a duplicate original copy thereof is in the possession of each of the parties thereto. <sup>Validity</sup>

Deposits  
in advance

**17.** Where a trade-in is delivered or money is paid, whether by way of deposit or otherwise, on account of the proposed purchase of goods or services but no binding contract is entered into in respect of the goods and no delivery of the goods or any part thereof has been made to the buyer or no performance of the services has been made, the seller shall upon the request of the buyer return such trade-in or refund in full the moneys so paid, as the case may be.

Rescission  
of certain  
executory  
contracts  
within  
two days

**18.—**(1) Where a seller solicits, negotiates or arranges for the signing by a buyer of an executory contract at a place other than the seller's permanent place of business and under which credit is extended, the buyer may rescind the contract by delivering a notice of rescission in writing to the seller within two days after the duplicate original copy of the contract first comes into the possession of the buyer, and the buyer is not liable for any damages in respect of such rescission.

Duties  
upon  
rescission

(2) Where a buyer rescinds a contract under subsection 1,

(a) the buyer shall return any goods received under the contract at the expense of the seller; and

(b) the seller shall return any moneys received or realized in respect of the contract, whether from the buyer or any other person, and shall return any trade-in received under the contract.

Trade-ins

(3) Where part of the consideration for the sale of goods is a trade-in, the title to the trade-in does not pass to the seller until the two-day period mentioned in subsection 1 has expired without rescission of the contract.

Delivery  
of notice

(4) A notice of rescission may be delivered personally or sent by registered mail addressed to the person to whom delivery is required to be made at the address shown in the contract, and delivery by registered mail shall be deemed to have been made at the time of mailing.

Lien on  
other goods  
not enforce-  
able

**19.** Any provision in any executory contract or in any security agreement incidental thereto under which the seller may acquire title to, possession of or any rights in any goods of the buyer, other than the goods passing to the buyer under the contract, is not enforceable.

No re-  
possession  
after two-  
thirds paid  
except by  
leave of  
judge

**20.—**(1) Where a buyer under an executory contract has paid two-thirds or more of the purchase price of the goods as fixed by the contract, any provision in the contract, or



in any security agreement incidental thereto, under which the seller may retake possession of or resell the goods upon default in payment by the buyer is not enforceable except by leave of a judge of a county or district court.

(2) Upon an application for leave under subsection 1, <sup>Powers of judge</sup> the judge may, in his absolute discretion, grant or refuse leave or grant leave upon such terms and conditions as he deems advisable.

### PART III

#### CREDIT TRANSACTIONS

**21.** Except as provided in section 22, every lender shall <sup>Disclosure of cost of borrowing</sup> furnish to the borrower, before giving the credit, a clear statement in writing showing,

- (a) the sum, expressed as one sum in dollars and cents, actually received in cash by the borrower or, where the lender is a seller, the amount of the cash price of the goods or services;
- (b) where the lender is a seller, the sums, if any, actually paid as a down payment or credited in respect of a trade-in, or paid or credited for any other reason;
- (c) where the lender is a seller, the amount by which the sum stated under clause *a* exceeds the sum stated under clause *b*;
- (d) the cost of borrowing expressed as one sum in dollars and cents;
- (e) the percentage that the cost of borrowing bears to the sum stated,
  - (i) under clause *a*, where the lender is not a seller, or
  - (ii) under clause *c*, where the lender is a seller,

expressed as an annual rate applied to the unpaid balance of the obligation from time to time, calculated and expressed in the manner prescribed by the regulations; and
- (f) the basis upon which additional charges are to be made in the event of default.

Interpre-  
tation

**22.**—(1) In this section, “period” means a period of time of not less than four weeks and not more than five weeks in duration.

Variable  
credit

(2) A lender extending variable credit shall,

- (a) before agreeing to extend variable credit, furnish the borrower with a clear statement in writing setting forth the cost of borrowing in respect of the unpaid balances from time to time,
  - (i) stated as an annual percentage of such balance charged at the end of each period, subject to a minimum dollars-and-cents charge, if any, and
  - (ii) stated in dollars and cents in a schedule of fixed amounts of outstanding balances, and the corresponding charges for the cost of borrowing; and
- (b) furnish the borrower at the end of each period during the extension of credit a clear statement in writing showing,
  - (i) the outstanding balance in the account of the borrower at the beginning of the period,
  - (ii) the amount and date of each extension of credit to the borrower during the period and the identity of the goods or services in respect of which the credit was extended,
  - (iii) the amount of each sum received or credited to the account of the borrower during the period, and the date and occasion thereof,
  - (iv) the cost of borrowing, expressed as one sum in dollars and cents, charged during the period,
  - (v) the outstanding balance in the account of the borrower at the end of the period, and
  - (vi) the statement referred to in clause *a*.

Manner of  
applying  
percentage  
rate

**23.** The percentage rate by which the cost of borrowing is expressed shall be applied in the manner prescribed by the regulations.

When  
costs of  
borrowing  
not re-  
coverable

**24.** A borrower is not liable to pay a lender as the cost of borrowing any sum in excess of the sum shown in the statement required by section 21 or 22 in respect of the transaction.

**25.** Where a sum remaining to be paid under an agreement <sup>Prepayment</sup> for credit is paid in full before the term of the agreement has expired,

- (a) the borrower is entitled to a proportionate credit in respect of the cost of borrowing; and
- (b) the lender is entitled to a proportionate part of the cost of lending,

in an amount determined in the manner prescribed by the regulations.

**26.**—(1) No lender shall represent, either orally or in <sup>Advertising of cost of borrowing</sup> print, or by radio or television broadcast, his charge for credit or cause such charge to be so represented unless the representation includes the full cost of borrowing and is expressed in the manner required by section 21 or 22.

(2) Where a lender represents or causes to be represented <sup>Advertising of other terms of credit</sup> in a printing, broadcast or other publication any terms of the credit agreement other than that referred to in subsection 1, the lender shall also include or cause to be included all other relevant terms of the credit transaction, including,

- (a) the sum to be actually received in cash by the borrower or the actual cash price of the goods;
- (b) the amount of the down payment;
- (c) the amount of each instalment; and
- (d) the number of instalments required to repay the total indebtedness, including the cost of borrowing.

**27.**—(1) Where a lender assigns a negotiable instrument <sup>Assignment of negotiable instrument</sup> given to secure credit, he shall deliver to the assignee with the negotiable instrument a copy of the statement required by section 21 and, where the lender is a seller, a copy of the contract of sale.

(2) Every assignee of a negotiable instrument who reassigns <sup>Reassignment of negotiable instrument</sup> the instrument shall deliver to his assignee the statement and contract of sale, if any, received by him in respect of the instrument.

(3) Where an assignee of a negotiable instrument to which <sup>Indemnity</sup> subsection 2 applies is entitled to recover on the instrument from the maker, the maker is entitled to be indemnified therefor by any assignor of the instrument who has not complied with subsection 1 or 2, as the case may be.



Order  
to pay  
indemnity

**28.**—(1) Where an assignor of a negotiable instrument is convicted of a contravention of section 27, the magistrate making the conviction may order that the person convicted is liable to indemnify the maker under subsection 3 of section 27.

Filing  
indemnity  
order in  
court

(2) Where an indemnity order is made under subsection 1 in favour of a person who is or becomes liable under a judgment of a court to an assignee of the negotiable instrument in respect of which the indemnity order was made, the person entitled to the indemnity may file the indemnity order in the court office of the court in which the judgment was issued.

Default  
judgment

(3) Upon the filing of the indemnity order, the registrar or clerk of the court shall issue a default judgment in favour of the person entitled to the indemnity and against the person required by the indemnity order to give the indemnity, and the amount of the default judgment shall be the amount of the judgment referred to in subsection 1 and costs together with the costs of issuing the default judgment, or such less amount as the person entitled to the indemnity by praecipe requests.

Setting  
aside or  
variation  
of default  
judgment

(4) Upon application therefor, a judge of the court in which the default judgment is issued may set aside the default judgment or may determine the amount of the indemnity or make an order of reference for the purpose and may vary the amount of the default judgment.

## PART IV

### GENERAL

Agreements  
and waivers  
contrary  
to Act

**29.** This Act applies notwithstanding any agreement or waiver to the contrary.

Rights of  
purchaser  
preserved

**30.** The rights of a buyer or borrower under this Act are in addition to any rights of the buyer or borrower under any other Act or by the operation of law, and nothing in this Act shall be construed to derogate from such rights.

False  
adver-  
tising

**31.** Where in the opinion of the Registrar any seller or lender is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material, and any such order is subject to review and appeal in the same manner as an order respecting registration made under Part I.

Offence

**32.**—(1) Every person who contravenes this Act or the regulations and every director or officer of a corporation who knowingly concurs in a contravention of this Act or the regu-

lations are guilty of an offence and on summary conviction are liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. <sup>Corporations</sup>

(3) Subject to subsection 1 of section 14, no proceeding <sup>Limitation</sup> under this section shall be instituted more than three years after the time when the subject-matter of the proceeding arose.

**33.** The Lieutenant Governor in Council may make <sup>Regulations</sup> regulations,

- (a) respecting the method of registration of itinerant sellers and of renewal of registration;
- (b) requiring itinerant sellers or any class thereof to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;
- (c) requiring the payment of fees on application for registration as an itinerant seller or for renewal of such registration, and prescribing the amounts thereof;
- (d) prescribing the form of executory contracts and statement of the cost of borrowing and the size, type and colour of lettering used in any provision thereof;
- (e) requiring and governing the maintenance of trust accounts by sellers or any class thereof, and prescribing the moneys that shall be held in trust and the terms and conditions thereof;
- (f) prescribing the manner in which the cost of borrowing stated as a percentage shall be calculated, expressed and applied;
- (g) prescribing the manner of determining the apportionment of the cost of borrowing for the purposes of section 25;
- (h) exempting any class of buyer, seller, itinerant seller, lender or borrower from the application of this Act or any provision thereof;
- (i) prescribing forms and providing for their use, and requiring the information in any form to be verified by affidavit;



- (j) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-  
ment

**34.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**35.** This Act may be cited as *The Consumer Protection Act, 1966*.







an Act to provide for the protection of  
Buyers of Consumer Goods and for the  
Fair Disclosure of the Cost of Credit

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*1st Reading*

April 22nd, 1966

*2nd Reading*

May 5th, 1966

*3rd Reading*

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MR. WISHART

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*(Reprinted as amended by the Committee  
on Legal Bills and Labour)*



# **BILL 101**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to provide for the Protection of Buyers of Consumer Goods and for the Fair Disclosure of the Cost of Credit**

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**MR. WISHART**

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BILL 101

1966

## An Act to provide for the Protection of Buyers of Consumer Goods and for the Fair Disclosure of the Cost of Credit

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

**Interpre-  
tation**

- (a) "borrower" means a person who receives credit;
- (b) "buyer" means a person who purchases goods for consumption or services under an executory contract and includes his agent, but does not include a person who buys in the course of carrying on business or an association of individuals, a partnership or a corporation;
- (c) "cost of borrowing" means,
  - (i) in the case of credit other than variable credit, the amount by which,
    - a. the total sum that the borrower is required to pay if the payments required are made as they become due, including all such sums regardless of the purpose or reason for the payment or the time of the payment,
 exceeds,
    - b. the sum actually received in cash by the borrower or, where the lender is a seller, the amount of the cash price of the goods or services less the sums, if any, actually paid as a down payment or credited in respect of a trade-in or paid or credited for any other reason,

- (ii) in the case of variable credit, the charges made in respect of the extension of the variable credit;
- (d) "credit" means credit for which the borrower incurs a cost of borrowing and,
  - (i) given under an agreement between a seller and a buyer to purchase goods or services by which all or part of the purchase price is payable after the agreement is entered into, or
  - (ii) given by the advancement of money,
 but does not include credit given on the security of a mortgage of real property;
- (e) "Director" means the Director of the Registration and Examination Branch of the Department of Financial and Commercial Affairs;
- (f) "executory contract" means a contract between a buyer and a seller for the purchase and sale of goods or services in respect of which delivery of the goods or performance of the services or payment in full of the consideration is not made at the time the contract is entered into;
- (g) "goods" means personal property;
- (h) "itinerant seller" means a seller whose business includes soliciting, negotiating or arranging for the signing by a buyer, at a place other than the seller's permanent place of business, of a contract for the sale of goods or services in which credit is extended, whether personally or by his agent or employee;
- (i) "lender" means a person who extends credit;
- (j) "person" means an individual, an association of individuals, a partnership or a corporation, and includes an agent of any of them;
- (k) "Registrar" means the Registrar of the Consumer Protection Bureau;
- (l) "regulations" means the regulations made under this Act;
- (m) "seller" means a person who is in the business of selling goods or services to buyers, and includes his agent;

- (n) "trade-in" means consideration given by a buyer in a form other than money or an obligation to pay money;
- (o) "variable credit" means credit made available under an agreement whereby the lender agrees to make credit available to be used from time to time, at the option of the borrower for the purpose of the purchase from time to time of goods or services, and, without limiting the generality of the foregoing, includes credit arrangements, commonly known as revolving credit accounts, budget accounts, cyclical accounts and other arrangements of a similar nature.

**2.** This Act does not apply to the sale of a public utility as defined in section 1 of *The Public Utilities Act* or to any charge for the transmission, distribution or storage of gas as defined in *The Ontario Energy Board Act, 1964* where such charge has been approved by the Ontario Energy Board.

Application  
R.S.O. 1960,  
c. 335  
1964, c. 74

## PART I

### REGISTRATION OF ITINERANT SELLERS

**3.—**(1) No person shall carry on business as an itinerant seller unless he is registered under this Act.

Registration  
of itinerant  
sellers

(2) No person shall publish or cause to be published any representation that he is registered under this Act.

Representa-  
tion

**4.—**(1) The Registrar may grant registration or renewal of registration to an applicant where the proposed registration is not against the public interest, and the registration may be subject to terms and conditions.

Registration

(2) Every registration and renewal of registration expires on the 31st day of December in each year.

Expiry

(3) The Registrar shall not refuse to grant or refuse to renew a registration without giving the applicant an opportunity to be heard.

Hearings

**5.** The Registrar may, after giving the registrant an opportunity to be heard, suspend or cancel a registration for the breach of a term or condition upon which the registration was granted or where, in his opinion, to do so is in the public interest.

Suspension  
and cancella-  
tion

**6.** A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed.

Further  
application



## Reasons

**7.** Where the Registrar refuses to grant a registration or renewal of registration, or suspends or cancels a registration, he shall, upon the request of the person whose registration or right to registration is affected, give written reasons for his decision.

## Address for service

**8.—(1)** Every applicant for registration shall state in the application an address for service in Ontario, and all notices under this Part or the regulations are sufficiently given or served for all purposes if delivered or sent by registered mail to the latest address for service so stated or as changed under subsection 2.

## Notice of changes by seller

**(2)** Every registered itinerant seller shall within five days of the event notify the Registrar in writing of,

(a) any change in his address for service; and

(b) any change in the officers or members in the case of an association of individuals, a partnership or a corporation.

## Information

**9.—(1)** Where the Registrar receives a complaint in respect of a sale made by or on behalf of an itinerant seller and so requests in writing, the itinerant seller shall furnish the Registrar with such information respecting the sale as the Registrar requires.

## Inspection of records

**(2)** For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any time make an inspection of the books, documents and records of any itinerant seller.

## Access

**(3)** Upon an inspection under subsection 2, the person inspecting is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the itinerant seller, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

## Notice of direction, decision, etc.

**10.** The Registrar shall cause a notice of every direction, decision, order or ruling of the Registrar to be delivered to any person who in the opinion of the Registrar is affected thereby.

## Review

**11.—(1)** Any person whose registration or right to register is affected by a decision of the Registrar may, by notice in writing served upon the Registrar within thirty days after the delivery of the notice under section 10, request a hearing and review of the matter by the Director.

(2) Where a hearing and review are requested, the Director shall serve notice upon the person who requested the review notifying him of the time and place of the hearing, which shall be within thirty days of the serving of the notice under subsection 1, except with the consent of the person who requested the review. Notice of hearing

(3) Upon a review, the Director shall hear such evidence as is submitted to him that in his opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by him, forms the record. Evidence

(4) For the purposes of a review, the Director, Power to take sworn evidence and summon witnesses

(a) may administer oaths to witnesses and require them to give evidence under oath; and

(b) may require to have issued out of the Supreme Court a writ of subpoena *ad testificandum* or a writ of subpoena *duces tecum*, which the court may issue, but no person shall be compelled under any such writ to produce any document that he would not be compellable to produce on the trial of an action.

(5) Upon a review, the Director may confirm or revoke the decision of the Registrar or may make any other decision he deems proper. Decision of Director

(6) Notice of the decision of the Director made upon a review shall be served forthwith upon the person who requested the review, together with written reasons for his decision. Notice of decision

**12.**—(1) Where the Director has reviewed a decision and given his decision upon the review, the person who requested the review may appeal to a judge of the High Court. Appeal

(2) Every appeal shall be by originating notice of motion served upon the Director within thirty days after the delivery of the notice of decision under subsection 6 of section 11. Form of appeal

(3) The Director shall certify to the Registrar of the Supreme Court, Material on appeal

(a) the decision that has been reviewed by him;

(b) his decision upon the review, together with his reasons therefor;

(c) the record of the review; and

(d) all written submissions and other material received by him in connection with the review.

Counsel

(4) The Attorney General may designate counsel to assist the judge upon the hearing of an appeal under this section.

Order for  
Director's  
decision

(5) Where an appeal is taken under this section, the judge may by his order direct the Director to make such decision as the Director is authorized to make under section 11 and as the judge deems proper, and thereupon the Director shall act accordingly.

Appeal  
final

(6) The order of the judge is final, but a further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed.

Right to  
counsel

**13.** Every person whose registration or right to registration may be affected by a hearing under this Part is entitled to be represented by counsel at the hearing.

Offences

**14.—(1)** Every person who,

(a) furnishes false information in any application under this Part or in any statement or return required to be furnished under this Part; or

(b) fails to comply with any order, direction or other requirement made under this Part or section 31,

is guilty of an offence punishable under section 32, but no proceedings under this section shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Registrar.

Certificate  
as evidence

(2) A statement as to,

(a) the registration or non-registration of any person;

(b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;

(c) the time when the facts upon which proceedings are based first came to the knowledge of the Registrar; or

(d) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,



purporting to be certified by the Registrar is, without proof of the office or signature of the Registrar, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

## PART II

### EXECUTORY CONTRACTS

**15.** This Part applies to executory contracts for the sale of goods or services where the purchase price, excluding the cost of borrowing, exceeds \$50. <sup>Application of Part</sup>

**16.**—(1) Every executory contract, other than an executory contract under an agreement for variable credit, shall be in writing and shall contain, <sup>Form of executory contract</sup>

- (a) the name and address of the seller and the buyer;
- (b) a description of the goods or services sufficient to identify them with certainty;
- (c) the price of the goods or services and a detailed statement of the terms of payment;
- (d) where credit is extended, a statement of any security for payment under the contract, including the particulars of any negotiable instrument, conditional sale agreement, chattel mortgage or any other security;
- (e) where credit is extended, the statement required to be furnished by section 21;
- (f) any warranty or guarantee applying to the goods or services and, where there is no warranty or guarantee, a statement to this effect; and
- (g) any other matter required by the regulations.

(2) An executory contract is not binding on the buyer unless the contract is made in accordance with this Part and the regulations and is signed by the parties, and a duplicate original copy thereof is in the possession of each of the parties thereto. <sup>Validity</sup>

Deposits  
in advance

**17.** Where a trade-in is delivered or money is paid, whether by way of deposit or otherwise, on account of the proposed purchase of goods or services but no binding contract is entered into in respect of the goods and no delivery of the goods or any part thereof has been made to the buyer or no performance of the services has been made, the seller shall upon the request of the buyer return such trade-in or refund in full the moneys so paid, as the case may be.

Rescission  
of certain  
executory  
contracts  
within  
two days

**18.—**(1) Where a seller solicits, negotiates or arranges for the signing by a buyer of an executory contract at a place other than the seller's permanent place of business and under which credit is extended, the buyer may rescind the contract by delivering a notice of rescission in writing to the seller within two days after the duplicate original copy of the contract first comes into the possession of the buyer, and the buyer is not liable for any damages in respect of such rescission.

Duties  
upon  
rescission

(2) Where a buyer rescinds a contract under subsection 1,

(a) the buyer shall return any goods received under the contract at the expense of the seller; and

(b) the seller shall return any moneys received or realized in respect of the contract, whether from the buyer or any other person, and shall return any trade-in received under the contract.

Trade-ins

(3) Where part of the consideration for the sale of goods is a trade-in, the title to the trade-in does not pass to the seller until the two-day period mentioned in subsection 1 has expired without rescission of the contract.

Delivery  
of notice

(4) A notice of rescission may be delivered personally or sent by registered mail addressed to the person to whom delivery is required to be made at the address shown in the contract, and delivery by registered mail shall be deemed to have been made at the time of mailing.

Lien on  
other goods  
not enforce-  
able

**19.** Any provision in any executory contract or in any security agreement incidental thereto under which the seller may acquire title to, possession of or any rights in any goods of the buyer, other than the goods passing to the buyer under the contract, is not enforceable.

No re-  
possession  
after two-  
thirds paid  
except by  
leave of  
judge

**20.—**(1) Where a buyer under an executory contract has paid two-thirds or more of the purchase price of the goods as fixed by the contract, any provision in the contract, or



in any security agreement incidental thereto, under which the seller may retake possession of or resell the goods upon default in payment by the buyer is not enforceable except by leave of a judge of a county or district court.

(2) Upon an application for leave under subsection 1, <sup>Powers of judge</sup> the judge may, in his absolute discretion, grant or refuse leave or grant leave upon such terms and conditions as he deems advisable.

### PART III

#### CREDIT TRANSACTIONS

**21.** Except as provided in section 22, every lender shall <sup>Disclosure of cost of borrowing</sup> furnish to the borrower, before giving the credit, a clear statement in writing showing,

- (a) the sum, expressed as one sum in dollars and cents, actually received in cash by the borrower or, where the lender is a seller, the amount of the cash price of the goods or services;
- (b) where the lender is a seller, the sums, if any, actually paid as a down payment or credited in respect of a trade-in, or paid or credited for any other reason;
- (c) where the lender is a seller, the amount by which the sum stated under clause *a* exceeds the sum stated under clause *b*;
- (d) the cost of borrowing expressed as one sum in dollars and cents;
- (e) the percentage that the cost of borrowing bears to the sum stated,
  - (i) under clause *a*, where the lender is not a seller, or
  - (ii) under clause *c*, where the lender is a seller,
 expressed as an annual rate applied to the unpaid balance of the obligation from time to time, calculated and expressed in the manner prescribed by the regulations; and
- (f) the basis upon which additional charges are to be made in the event of default.

Interpre-  
tation

**22.**—(1) In this section, “period” means a period of time of not less than four weeks and not more than five weeks in duration.

Variable  
credit

(2) A lender extending variable credit shall,

(a) before agreeing to extend variable credit, furnish the borrower with a clear statement in writing setting forth the cost of borrowing in respect of the unpaid balances from time to time,

(i) stated as an annual percentage of such balance charged at the end of each period, subject to a minimum dollars-and-cents charge, if any, and

(ii) stated in dollars and cents in a schedule of fixed amounts of outstanding balances, and the corresponding charges for the cost of borrowing; and

(b) furnish the borrower at the end of each period during the extension of credit a clear statement in writing showing,

(i) the outstanding balance in the account of the borrower at the beginning of the period,

(ii) the amount and date of each extension of credit to the borrower during the period and the identity of the goods or services in respect of which the credit was extended,

(iii) the amount of each sum received or credited to the account of the borrower during the period, and the date and occasion thereof,

(iv) the cost of borrowing, expressed as one sum in dollars and cents, charged during the period,

(v) the outstanding balance in the account of the borrower at the end of the period, and

(vi) the statement referred to in clause a.

Manner of  
applying  
percentage  
rate

**23.** The percentage rate by which the cost of borrowing is expressed shall be applied in the manner prescribed by the regulations.

When  
costs of  
borrowing  
not re-  
coverable

**24.** A borrower is not liable to pay a lender as the cost of borrowing any sum in excess of the sum shown in the statement required by section 21 or 22 in respect of the transaction.

**25.** Where a sum remaining to be paid under an agreement <sup>Prepayment</sup> for credit is paid in full before the term of the agreement has expired,

- (a) the borrower is entitled to a proportionate credit in respect of the cost of borrowing; and
- (b) the lender is entitled to a proportionate part of the cost of lending,

in an amount determined in the manner prescribed by the regulations.

**26.—**(1) No lender shall represent, either orally or in <sup>Advertising of cost of borrowing</sup> print, or by radio or television broadcast, his charge for credit or cause such charge to be so represented unless the representation includes the full cost of borrowing and is expressed in the manner required by section 21 or 22.

(2) Where a lender represents or causes to be represented <sup>Advertising of other terms of credit</sup> in a printing, broadcast or other publication any terms of the credit agreement other than that referred to in subsection 1, the lender shall also include or cause to be included all other relevant terms of the credit transaction, including,

- (a) the sum to be actually received in cash by the borrower or the actual cash price of the goods;
- (b) the amount of the down payment;
- (c) the amount of each instalment; and
- (d) the number of instalments required to repay the total indebtedness, including the cost of borrowing.

**27.—**(1) Where a lender assigns a negotiable instrument <sup>Assignment of negotiable instrument</sup> given to secure credit, he shall deliver to the assignee with the negotiable instrument a copy of the statement required by section 21 and, where the lender is a seller, a copy of the contract of sale.

(2) Every assignee of a negotiable instrument who reassigns <sup>Reassignment of negotiable instrument</sup> the instrument shall deliver to his assignee the statement and contract of sale, if any, received by him in respect of the instrument.

(3) Where an assignee of a negotiable instrument to which <sup>Indemnity</sup> subsection 2 applies is entitled to recover on the instrument from the maker, the maker is entitled to be indemnified therefor by any assignor of the instrument who has not complied with subsection 1 or 2, as the case may be.



Order  
to pay  
indemnity

**28.**—(1) Where an assignor of a negotiable instrument is convicted of a contravention of section 27, the magistrate making the conviction may order that the person convicted is liable to indemnify the maker under subsection 3 of section 27.

Filing  
indemnity  
order in  
court

(2) Where an indemnity order is made under subsection 1 in favour of a person who is or becomes liable under a judgment of a court to an assignee of the negotiable instrument in respect of which the indemnity order was made, the person entitled to the indemnity may file the indemnity order in the court office of the court in which the judgment was issued.

Default  
judgment

(3) Upon the filing of the indemnity order, the registrar or clerk of the court shall issue a default judgment in favour of the person entitled to the indemnity and against the person required by the indemnity order to give the indemnity, and the amount of the default judgment shall be the amount of the judgment referred to in subsection 1 and costs together with the costs of issuing the default judgment, or such less amount as the person entitled to the indemnity by praecipe requests.

Setting  
aside or  
variation  
of default  
judgment

(4) Upon application therefor, a judge of the court in which the default judgment is issued may set aside the default judgment or may determine the amount of the indemnity or make an order of reference for the purpose and may vary the amount of the default judgment.

## PART IV

### GENERAL

Agreements  
and waivers  
contrary  
to Act

**29.** This Act applies notwithstanding any agreement or waiver to the contrary.

Rights of  
purchaser  
preserved

**30.** The rights of a buyer or borrower under this Act are in addition to any rights of the buyer or borrower under any other Act or by the operation of law, and nothing in this Act shall be construed to derogate from such rights.

False  
adver-  
tising

**31.** Where in the opinion of the Registrar any seller or lender is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material, and any such order is subject to review and appeal in the same manner as an order respecting registration made under Part I.

Offence

**32.**—(1) Every person who contravenes this Act or the regulations and every director or officer of a corporation who knowingly concurs in a contravention of this Act or the regu-

lations are guilty of an offence and on summary conviction are liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. <sup>Corporations</sup>

(3) Subject to subsection 1 of section 14, no proceeding <sup>Limitation</sup> under this section shall be instituted more than three years after the time when the subject-matter of the proceeding arose.

**33.** The Lieutenant Governor in Council may make <sup>Regulations</sup> regulations,

- (a) respecting the method of registration of itinerant sellers and of renewal of registration;
- (b) requiring itinerant sellers or any class thereof to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;
- (c) requiring the payment of fees on application for registration as an itinerant seller or for renewal of such registration, and prescribing the amounts thereof;
- (d) prescribing the form of executory contracts and statement of the cost of borrowing and the size, type and colour of lettering used in any provision thereof;
- (e) requiring and governing the maintenance of trust accounts by sellers or any class thereof, and prescribing the moneys that shall be held in trust and the terms and conditions thereof;
- (f) prescribing the manner in which the cost of borrowing stated as a percentage shall be calculated, expressed and applied;
- (g) prescribing the manner of determining the apportionment of the cost of borrowing for the purposes of section 25;
- (h) exempting any class of buyer, seller, itinerant seller, lender or borrower from the application of this Act or any provision thereof;
- (i) prescribing forms and providing for their use, and requiring the information in any form to be verified by affidavit;



- (j) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-  
ment

**34.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**35.** This Act may be cited as *The Consumer Protection Act, 1966*.







An Act to provide for the Protection of  
Buyers of Consumer Goods and for the  
Fair Disclosure of the Cost of Credit

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*1st Reading*

April 22nd, 1966

*2nd Reading*

May 5th, 1966

*3rd Reading*

July 7th, 1966

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MR. WISHART

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# BILL 102

4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

## An Act to provide for the Establishment of The St. Clair Parkway Commission

MR. MACNAUGHTON

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTE

The Bill establishes The St. Clair Parkway Commission for the purpose of developing lands that it may acquire in the counties of Kent and Lambton and in the cities of Chatham and Sarnia as a parkway with adjoining parks and recreational areas.

## An Act to provide for the Establishment of The St. Clair Parkway Commission

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.

**1. In this Act,**

**Interpre-  
tation**

- (a) "Commission" means The St. Clair Parkway Commission established by this Act;
- (b) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council;
- (c) "Parks" means all land and interests in land in the counties of Kent and Lambton and in the cities of Chatham and Sarnia hereafter acquired by, vested in or placed under the control of the Commission, including highways, roads and boulevards;
- (d) "participating municipalities" means The Corporation of the County of Kent, The Corporation of the County of Lambton, The Corporation of the City of Chatham and The Corporation of the City of Sarnia.

**2.—(1)** There is hereby constituted a corporation without share capital under the name of "The St. Clair Parkway Commission" composed of not more than eleven members as follows:

**Commission  
established,  
composition**

- (a) two persons appointed annually by the council of the County of Lambton;
- (b) two persons appointed annually by the council of the City of Sarnia;
- (c) one person appointed annually by the council of the County of Kent;

- (d) one person appointed annually by the council of the City of Chatham; and
- (e) not more than five persons appointed by the Lieutenant Governor in Council for terms of not more than three years,

but each member shall hold office until his successor is appointed.

Chairman  
and vice-  
chairman

(2) The Lieutenant Governor in Council shall designate one member as chairman and may designate one member as vice-chairman.

Remunera-  
tion

(3) The chairman, the vice-chairman, if any, and the other members of the Commission may be paid such remuneration as is fixed by the Lieutenant Governor in Council.

Acting  
chairman

(4) In the case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman or, if none, such member of the Commission as the Commission designates for such purpose shall act as and have all the powers of the chairman.

Vacancies

(5) Where a vacancy occurs on the Commission, the body that made the appointment of the member whose office is vacant may appoint a member to hold office for the remainder of the term of his predecessor.

Members of  
Assembly  
R.S.O. 1960,  
c. 208

(6) Notwithstanding *The Legislative Assembly Act*, any member of the Assembly may be appointed as a member of the Commission and is entitled to act as such and receive remuneration therefor without thereby vacating or forfeiting his seat or incurring any other penalty for sitting or voting as a member of the Assembly.

Members of  
council  
R.S.O. 1960,  
c. 249

(7) Subsection 1 of section 35 of *The Municipal Act* does not apply to a member of a municipal council by reason only of his being a member of the Commission or of his being entitled to or receiving remuneration as a member of the Commission.

Quorum

(8) The powers of the Commission may be exercised by a quorum of not fewer than seven members, but, where the number of members present at a meeting is fewer than ten, any decision of the Commission must have the approval of at least five members.

Local board  
R.S.O. 1960,  
c. 98

(9) The Commission is a local board within the meaning of *The Department of Municipal Affairs Act*.



**3.** It is the duty of the Commission to develop, control, manage, operate and maintain the Parks, and, for the purpose of carrying out such duty, the Commission has power, <sup>General powers and duties</sup>

- (a) to make such by-laws, rules and orders as may be deemed expedient for the administration and management of the affairs and the conduct of the business of the Commission;
- (b) to acquire, construct, operate, maintain and generally manage and provide recreational facilities, archaeological and historic sites, restaurants, refreshment booths, stands for the sale of souvenirs and other wares, shops, sanitary and toilet facilities, buses and other vehicles for use in connection with the Parks, boats and boat lines, camp sites and any and all other facilities or conveniences incidental to or necessary for the proper operation and maintenance of the Parks;
- (c) to enter into agreements with persons with respect to the establishment or operation by them of any works or services in connection with the Parks;
- (d) to study and investigate the Parks and to determine a scheme whereby the Parks may be most advantageously developed and maintained; and
- (e) to enter into agreements with owners of lands to facilitate the development, operation or maintenance of the Parks.

**4.—**(1) With the approval of the Lieutenant Governor in Council, the Commission has power to acquire by purchase, lease or otherwise and, with or without the consent of the owner, enter upon, take and expropriate and sell or otherwise dispose of any land or any interest in land. <sup>Qualified powers</sup>

(2) Where the Commission desires to expropriate land under the power conferred by subsection 1, it shall, in addition to the requirements of *The Expropriation Procedures Act*, 1962-63, register in the proper registry or land titles office a certified copy of the order in council approving such expropriation. <sup>Expropriation c. 43</sup>

**5.—**(1) Notwithstanding any general or special Act, the Lieutenant Governor in Council may vest any highway under the jurisdiction and control of the Department of Highways in the Commission, and thereafter the Commission shall have exclusive jurisdiction over it. <sup>Highways</sup>



Idem

(2) The Commission and any municipality may enter into agreement as to the acquisition by the Commission or by the municipality of any highway or any land therefor or as to the establishing, laying out, opening, grading, paving, altering, constructing, reconstructing, maintaining or repairing of any highway, including the cost or the apportionment of the cost of the same and the payment thereof.

Appointment of employees

6. The Commission may appoint such officers, clerks and other employees as may be necessary for the purposes of the Commission and shall fix their salaries, wages or other remuneration.

Determination of capital expenditure

7.—(1) The Commission may from time to time determine what moneys will be required for capital expenditures in connection with the Parks.

Portion to be raised by participating municipalities

(2) The portion of the moneys so required that each participating municipality shall raise shall be determined by the Commission, subject to the approval of at least three of the participating municipalities.

Notice of apportionment

(3) When the Commission has determined the portion that each participating municipality shall raise, it shall cause a notice containing a statement of such apportionment to be sent to the council of each participating municipality by registered mail.

Review of apportionment by O.M.B.

(4) Any participating municipality that is dissatisfied with any such apportionment may, within one month after it receives notice of the apportionment, notify the secretary of the Ontario Municipal Board and the Commission in writing by registered mail that it applies for a review of the apportionment by the Ontario Municipal Board.

Hearing

(5) Upon such application, the Ontario Municipal Board shall fix a date for the hearing of all interested parties and shall give all necessary directions for the hearing.

Powers of O.M.B. on hearing

(6) The Ontario Municipal Board has authority to take evidence, to confirm or vary the apportionment of the Commission and to fix and award costs, and its decision is final and conclusive and is not open to appeal.

How money to be raised

(7) Subject to the approval of the Ontario Municipal Board, each participating municipality shall raise by the issue of debentures or otherwise its portion of the moneys required by the Commission for capital expenditure as apportioned by the Commission or by the Ontario Municipal Board on an appeal.

(8) Where the council of a participating city is of opinion <sup>Limited benefit in city</sup> that the major part of the benefit to be derived from a specific work accrues to a limited area of the city, the council may by by-law provide that a specified portion of the moneys required to be raised by the city for capital expenditure in connection with that work shall be raised by a special rate upon the rateable property in that area, which area shall be defined in the by-law, and the balance of such moneys shall be raised by a special rate upon the rateable property in the remaining portion of the city.

(9) Where the council of a participating county is of opinion <sup>Limited benefit in county</sup> that the major part of the benefit to be derived from a specific work accrues to a certain local municipality or local municipalities that form part of the county for municipal purposes, the council may by by-law provide that a specified portion of the moneys required to be raised by the county for capital expenditure in connection with that work shall be raised by a special rate upon the rateable property of such local municipality or municipalities, and the balance of such moneys shall be raised by a special rate upon the rateable property in the remaining local municipalities that form part of the county for municipal purposes.

8.—(1) The Commission in each year shall prepare and <sup>Estimates</sup> adopt estimates of all sums required during the year for the purposes of the Commission, and such estimates,

- (a) shall set forth the estimated revenues and expenditures of the Commission;
- (b) shall make due allowance for a surplus of the previous year that will be available during the current year;
- (c) shall provide for any deficit of any previous year; and
- (d) may provide for capital expenditures to be made out of current funds.

(2) After the adoption of the estimates, the Commission <sup>Apportionment</sup> shall, subject to the approval of at least three of the participating municipalities, determine the proportion of the moneys required for the purposes of the Commission to be raised by each participating municipality.

(3) The chairman of the Commission shall, on or before <sup>Notice of amount to be raised by each participating municipality</sup> the last day of February in each year, give notice in writing to the treasurer of each participating municipality of the amount that such participating municipality shall raise for the Commission.

Moneys to  
be raised,  
debt to  
Commission

**9.** All moneys required to be raised by a participating municipality under the authority of section 7 or 8 shall be deemed to be taxes and are a debt of the participating municipality to the Commission, and the treasurer of every participating municipality shall pay the moneys so required to be raised to the Commission in equal quarterly payments.

Limit on  
levy

**10.** Notwithstanding sections 7 and 8, no participating municipality shall be required to raise in any year,

- (a) an amount under section 7 that exceeds the proceeds of a rate of one-quarter mill on the dollar of the rateable property of the participating municipality according to the last revised assessment roll as adjusted by the latest equalization factor provided by the Department of Municipal Affairs; and
- (b) an amount under section 8 that exceeds the proceeds of a rate of one-quarter mill on the dollar of the rateable property of the participating municipality according to the last revised assessment roll as adjusted by the latest equalization factor provided by the Department of Municipal Affairs,

unless in that year the council of the participating municipality agrees with the Commission to raise an amount in excess of that provided for in clause *a* or *b*.

Local  
improve-  
ment works

R.S.O. 1960,  
c. 223

**11.** The Commission and any municipality within which any of the Parks are situate or that adjoin or are within three miles of the Parks may enter into agreement as to any work of any of the characters or descriptions mentioned in *The Local Improvement Act*, and the Commission may agree to contribute any sum towards the cost of any work undertaken, either in cash or by annual or other instalments or otherwise.

Assent of  
electors not  
necessary

**12.** Where by this Act any power is conferred or duty imposed upon a municipality or the council of a municipality, including a power or duty to raise money, such power may be exercised and such duty shall be performed by the council of the municipality without the assent of the electors.

Moneys to  
be paid to  
Commission

**13.** All moneys required by this Act to be raised for the purposes of the Commission shall be paid to the Commission, and the Commission may spend such moneys for its purposes.

Grants

**14.** The Minister may make grants to the Commission, which shall be paid, before the 31st day of March, 1967, out of the Consolidated Revenue Fund, and thereafter out of the moneys appropriated therefor by the Legislature.



**15.** The Commission shall cause books to be kept and true <sup>Books of account</sup> and regular accounts to be entered therein of all moneys received and paid and of the several purposes for which the same were received and paid, and such books shall be open to the inspection of any member of the Commission, the Treasurer of Ontario or any person appointed by the Commission or Treasurer for that purpose, or any person designated by a participating municipality for that purpose, and any such person may make copies of or take extracts from the books.

**16.** Every person who is entrusted by the Commission with the custody or control of money in the course of his employment shall give security in the manner and form provided by <sup>Security by officers</sup> *The Public Officers Act*. R.S.O. 1960,  
c. 326

**17.** The accounts and financial transactions of the Commission shall be audited annually by the Provincial Auditor or such other auditor as the Lieutenant Governor in Council designates. Audit

**18.** The Commission shall make a report annually to the Minister and to each of the participating municipalities, containing such information as the Minister may require. Annual report

**19.—(1)** The Commission, with the approval of the Lieutenant Governor in Council, may make regulations, Regulations

- (a) regulating and governing the use by the public of the Parks and the works, vehicles, boats, services and things under the jurisdiction of the Commission;
- (b) providing for the protection and preservation from damage of the property of the Commission;
- (c) prescribing tolls for the occupation and use of the Parks and the works, vehicles, boats and recreational facilities and services under the jurisdiction of the Commission and for entrance to places of historic and scenic interest or any other occupation or use of a similar nature;
- (d) prescribing permits designating privileges in connection with the use of the Parks or any part thereof, and prescribing fees for such permits;
- (e) regulating and governing vehicular and pedestrian traffic in the Parks or any part thereof, and prohibiting the use of any class or classes of vehicles in the Parks or any part thereof;

- (f) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices in the Parks or within one-quarter mile of any part thereof;
- (g) prescribing terms and conditions under which horses, dogs and other animals may be allowed in the Parks or any part thereof;
- (h) for imposing fines not exceeding \$300 for any breach of any regulation;
- (i) for such other purposes and objects as are deemed necessary for the carrying out of this Act.

#### Offences

R.S.O. 1960,  
c. 387

(2) An offence against any regulation made under this Act is punishable under *The Summary Convictions Act*, and the fine for any such offence is payable to the Treasurer of Ontario.

R.S.O. 1960,  
c. 71, not to  
apply

**20.** *The Corporations Act* does not apply to the Commission.

#### Current borrowings

**21.** After the Commission has adopted its estimates in any year, it may borrow from time to time by way of promissory note such sums as it may deem necessary to meet, until its revenues are received, the current expenditures of the Commission for the year, but the amount that may be borrowed at any one time, together with the total of any similar borrowings that have not been repaid, shall not exceed 70 per cent of the unreceived balance of the estimated revenues of the Commission as set forth in its estimates adopted for the year.

#### Lost property

**22.—**(1) Any lost, mislaid or abandoned property coming into the custody of the Commission or any employee of the Commission in charge of part of the Parks and not claimed by the owner within three months is the property of the Commission and may be sold under the direction of the Commission, but, where any such property is perishable or has no commercial value, it may be given to a charitable institution or destroyed.

#### Idem

(2) Where a person establishes to the satisfaction of the Commission within one year of the date of the sale that he was the owner of property sold under subsection 1, the Commission may direct the payment to such person of an amount equal to the price received for the property less the cost of the sale and other expenses incurred in connection with the property.

#### Commence- ment

**23.** This Act comes into force on the day it receives Royal Assent.

#### Short title

**24.** This Act may be cited as *The St. Clair Parkway Commission Act, 1966*.





An Act to provide for the Establishment  
of The St. Clair Parkway Commission

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*1st Reading*

April 25th, 1966

*2nd Reading*

*3rd Reading*

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MR. MACNAUGHTON

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# **BILL 102**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to provide for the Establishment of The St. Clair Parkway Commission**

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**MR. MACNAUGHTON**

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## An Act to provide for the Establishment of The St. Clair Parkway Commission

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.

**1.** In this Act, Interpre-  
tation

- (a) "Commission" means The St. Clair Parkway Commission established by this Act;
- (b) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council;
- (c) "Parks" means all land and interests in land in the counties of Kent and Lambton and in the cities of Chatham and Sarnia hereafter acquired by, vested in or placed under the control of the Commission, including highways, roads and boulevards;
- (d) "participating municipalities" means The Corporation of the County of Kent, The Corporation of the County of Lambton, The Corporation of the City of Chatham and The Corporation of the City of Sarnia.

**2.—(1)** There is hereby constituted a corporation without share capital under the name of "The St. Clair Parkway Commission" composed of not more than eleven members as follows: Commission  
established,  
composition

- (a) two persons appointed annually by the council of the County of Lambton;
- (b) two persons appointed annually by the council of the City of Sarnia;
- (c) one person appointed annually by the council of the County of Kent;



- (d) one person appointed annually by the council of the City of Chatham; and
- (e) not more than five persons appointed by the Lieutenant Governor in Council for terms of not more than three years,

but each member shall hold office until his successor is appointed.

Chairman  
and vice-  
chairman

(2) The Lieutenant Governor in Council shall designate one member as chairman and may designate one member as vice-chairman.

Remunera-  
tion

(3) The chairman, the vice-chairman, if any, and the other members of the Commission may be paid such remuneration as is fixed by the Lieutenant Governor in Council.

Acting  
chairman

(4) In the case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman or, if none, such member of the Commission as the Commission designates for such purpose shall act as and have all the powers of the chairman.

Vacancies

(5) Where a vacancy occurs on the Commission, the body that made the appointment of the member whose office is vacant may appoint a member to hold office for the remainder of the term of his predecessor.

Members of  
Assembly  
R.S.O. 1960,  
c. 208

(6) Notwithstanding *The Legislative Assembly Act*, any member of the Assembly may be appointed as a member of the Commission and is entitled to act as such and receive remuneration therefor without thereby vacating or forfeiting his seat or incurring any other penalty for sitting or voting as a member of the Assembly.

Members of  
council  
R.S.O. 1960,  
c. 249

(7) Subsection 1 of section 35 of *The Municipal Act* does not apply to a member of a municipal council by reason only of his being a member of the Commission or of his being entitled to or receiving remuneration as a member of the Commission.

Quorum

(8) The powers of the Commission may be exercised by a quorum of not fewer than seven members, but, where the number of members present at a meeting is fewer than ten, any decision of the Commission must have the approval of at least five members.

Local board  
R.S.O. 1960,  
c. 98

(9) The Commission is a local board within the meaning of *The Department of Municipal Affairs Act*.

**3.** It is the duty of the Commission to develop, control, manage, operate and maintain the Parks, and, for the purpose of carrying out such duty, the Commission has power, <sup>General powers and duties</sup>

- (a) to make such by-laws, rules and orders as may be deemed expedient for the administration and management of the affairs and the conduct of the business of the Commission;
- (b) to acquire, construct, operate, maintain and generally manage and provide recreational facilities, archaeological and historic sites, restaurants, refreshment booths, stands for the sale of souvenirs and other wares, shops, sanitary and toilet facilities, buses and other vehicles for use in connection with the Parks, boats and boat lines, camp sites and any and all other facilities or conveniences incidental to or necessary for the proper operation and maintenance of the Parks;
- (c) to enter into agreements with persons with respect to the establishment or operation by them of any works or services in connection with the Parks;
- (d) to study and investigate the Parks and to determine a scheme whereby the Parks may be most advantageously developed and maintained; and
- (e) to enter into agreements with owners of lands to facilitate the development, operation or maintenance of the Parks.

**4.—(1)** With the approval of the Lieutenant Governor in Council, the Commission has power to acquire by purchase, lease or otherwise and, with or without the consent of the owner, enter upon, take and expropriate and sell or otherwise dispose of any land or any interest in land. <sup>Qualified powers</sup>

(2) Where the Commission desires to expropriate land under the power conferred by subsection 1, it shall, in addition to the requirements of *The Expropriation Procedures Act, 1962-63*, register in the proper registry or land titles office a certified copy of the order in council approving such expropriation. <sup>Expropriation</sup> <sub>o. 43</sub>

**5.—(1)** Notwithstanding any general or special Act, the Lieutenant Governor in Council may vest any highway under the jurisdiction and control of the Department of Highways in the Commission, and thereafter the Commission shall have exclusive jurisdiction over it. <sup>Highways</sup>

Idem

(2) The Commission and any municipality may enter into agreement as to the acquisition by the Commission or by the municipality of any highway or any land therefor or as to the establishing, laying out, opening, grading, paving, altering, constructing, reconstructing, maintaining or repairing of any highway, including the cost or the apportionment of the cost of the same and the payment thereof.

Appointment of employees

6. The Commission may appoint such officers, clerks and other employees as may be necessary for the purposes of the Commission and shall fix their salaries, wages or other remuneration.

Determination of capital expenditure

7.—(1) The Commission may from time to time determine what moneys will be required for capital expenditures in connection with the Parks.

Portion to be raised by participating municipalities

(2) The portion of the moneys so required that each participating municipality shall raise shall be determined by the Commission, subject to the approval of at least three of the participating municipalities.

Notice of apportionment

(3) When the Commission has determined the portion that each participating municipality shall raise, it shall cause a notice containing a statement of such apportionment to be sent to the council of each participating municipality by registered mail.

Review of apportionment by O.M.B.

(4) Any participating municipality that is dissatisfied with any such apportionment may, within one month after it receives notice of the apportionment, notify the secretary of the Ontario Municipal Board and the Commission in writing by registered mail that it applies for a review of the apportionment by the Ontario Municipal Board.

Hearing

(5) Upon such application, the Ontario Municipal Board shall fix a date for the hearing of all interested parties and shall give all necessary directions for the hearing.

Powers of O.M.B. on hearing

(6) The Ontario Municipal Board has authority to take evidence, to confirm or vary the apportionment of the Commission and to fix and award costs, and its decision is final and conclusive and is not open to appeal.

How money to be raised

(7) Subject to the approval of the Ontario Municipal Board, each participating municipality shall raise by the issue of debentures or otherwise its portion of the moneys required by the Commission for capital expenditure as apportioned by the Commission or by the Ontario Municipal Board on an appeal.



(8) Where the council of a participating city is of opinion <sup>Limited benefit in city</sup> that the major part of the benefit to be derived from a specific work accrues to a limited area of the city, the council may by by-law provide that a specified portion of the moneys required to be raised by the city for capital expenditure in connection with that work shall be raised by a special rate upon the rateable property in that area, which area shall be defined in the by-law, and the balance of such moneys shall be raised by a special rate upon the rateable property in the remaining portion of the city.

(9) Where the council of a participating county is of opinion <sup>Limited benefit in county</sup> that the major part of the benefit to be derived from a specific work accrues to a certain local municipality or local municipalities that form part of the county for municipal purposes, the council may by by-law provide that a specified portion of the moneys required to be raised by the county for capital expenditure in connection with that work shall be raised by a special rate upon the rateable property of such local municipality or municipalities, and the balance of such moneys shall be raised by a special rate upon the rateable property in the remaining local municipalities that form part of the county for municipal purposes.

**8.**—(1) The Commission in each year shall prepare and adopt estimates of all sums required during the year for the purposes of the Commission, and such estimates, <sup>Estimates</sup>

- (a) shall set forth the estimated revenues and expenditures of the Commission;
- (b) shall make due allowance for a surplus of the previous year that will be available during the current year;
- (c) shall provide for any deficit of any previous year; and
- (d) may provide for capital expenditures to be made out of current funds.

(2) After the adoption of the estimates, the Commission shall, subject to the approval of at least three of the participating municipalities, determine the proportion of the moneys required for the purposes of the Commission to be raised by each participating municipality. <sup>Apportionment</sup>

(3) The chairman of the Commission shall, on or before the last day of February in each year, give notice in writing to the treasurer of each participating municipality of the amount that such participating municipality shall raise for the Commission. <sup>Notice of amount to be raised by each participating municipality</sup>

Moneys to  
be raised,  
debt to  
Commission

**9.** All moneys required to be raised by a participating municipality under the authority of section 7 or 8 shall be deemed to be taxes and are a debt of the participating municipality to the Commission, and the treasurer of every participating municipality shall pay the moneys so required to be raised to the Commission in equal quarterly payments.

Limit on  
levy

**10.** Notwithstanding sections 7 and 8, no participating municipality shall be required to raise in any year,

- (a) an amount under section 7 that exceeds the proceeds of a rate of one-quarter mill on the dollar of the rateable property of the participating municipality according to the last revised assessment roll as adjusted by the latest equalization factor provided by the Department of Municipal Affairs; and
- (b) an amount under section 8 that exceeds the proceeds of a rate of one-quarter mill on the dollar of the rateable property of the participating municipality according to the last revised assessment roll as adjusted by the latest equalization factor provided by the Department of Municipal Affairs,

unless in that year the council of the participating municipality agrees with the Commission to raise an amount in excess of that provided for in clause *a* or *b*.

Local  
improve-  
ment works

R.S.O. 1960,  
c. 223

**11.** The Commission and any municipality within which any of the Parks are situate or that adjoin or are within three miles of the Parks may enter into agreement as to any work of any of the characters or descriptions mentioned in *The Local Improvement Act*, and the Commission may agree to contribute any sum towards the cost of any work undertaken, either in cash or by annual or other instalments or otherwise.

Assent of  
electors not  
necessary

**12.** Where by this Act any power is conferred or duty imposed upon a municipality or the council of a municipality, including a power or duty to raise money, such power may be exercised and such duty shall be performed by the council of the municipality without the assent of the electors.

Moneys to  
be paid to  
Commission

**13.** All moneys required by this Act to be raised for the purposes of the Commission shall be paid to the Commission, and the Commission may spend such moneys for its purposes.

Grants

**14.** The Minister may make grants to the Commission, which shall be paid, before the 31st day of March, 1967, out of the Consolidated Revenue Fund, and thereafter out of the moneys appropriated therefor by the Legislature.



**15.** The Commission shall cause books to be kept and true and regular accounts to be entered therein of all moneys received and paid and of the several purposes for which the same were received and paid, and such books shall be open to the inspection of any member of the Commission, the Treasurer of Ontario or any person appointed by the Commission or Treasurer for that purpose, or any person designated by a participating municipality for that purpose, and any such person may make copies of or take extracts from the books. Books of account

**16.** Every person who is entrusted by the Commission with the custody or control of money in the course of his employment shall give security in the manner and form provided by *The Public Officers Act*. Security by officers

R.S.O. 1960,  
c. 326

**17.** The accounts and financial transactions of the Commission shall be audited annually by the Provincial Auditor or such other auditor as the Lieutenant Governor in Council designates. Audit

**18.** The Commission shall make a report annually to the Minister and to each of the participating municipalities, containing such information as the Minister may require. Annual report

**19.—(1)** The Commission, with the approval of the Lieutenant Governor in Council, may make regulations, Regulations

- (a) regulating and governing the use by the public of the Parks and the works, vehicles, boats, services and things under the jurisdiction of the Commission;
- (b) providing for the protection and preservation from damage of the property of the Commission;
- (c) prescribing tolls for the occupation and use of the Parks and the works, vehicles, boats and recreational facilities and services under the jurisdiction of the Commission and for entrance to places of historic and scenic interest or any other occupation or use of a similar nature;
- (d) prescribing permits designating privileges in connection with the use of the Parks or any part thereof, and prescribing fees for such permits;
- (e) regulating and governing vehicular and pedestrian traffic in the Parks or any part thereof, and prohibiting the use of any class or classes of vehicles in the Parks or any part thereof;

- (f) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices in the Parks or within one-quarter mile of any part thereof;
- (g) prescribing terms and conditions under which horses, dogs and other animals may be allowed in the Parks or any part thereof;
- (h) for imposing fines not exceeding \$300 for any breach of any regulation;
- (i) for such other purposes and objects as are deemed necessary for the carrying out of this Act.

#### Offences

R.S.O. 1960,  
c. 387

(2) An offence against any regulation made under this Act is punishable under *The Summary Convictions Act*, and the fine for any such offence is payable to the Treasurer of Ontario.

R.S.O. 1960,  
c. 71, not to  
apply

**20.** *The Corporations Act* does not apply to the Commission.

#### Current borrowings

**21.** After the Commission has adopted its estimates in any year, it may borrow from time to time by way of promissory note such sums as it may deem necessary to meet, until its revenues are received, the current expenditures of the Commission for the year, but the amount that may be borrowed at any one time, together with the total of any similar borrowings that have not been repaid, shall not exceed 70 per cent of the unreceived balance of the estimated revenues of the Commission as set forth in its estimates adopted for the year.

#### Lost property

**22.—(1)** Any lost, mislaid or abandoned property coming into the custody of the Commission or any employee of the Commission in charge of part of the Parks and not claimed by the owner within three months is the property of the Commission and may be sold under the direction of the Commission, but, where any such property is perishable or has no commercial value, it may be given to a charitable institution or destroyed.

#### Idem

(2) Where a person establishes to the satisfaction of the Commission within one year of the date of the sale that he was the owner of property sold under subsection 1, the Commission may direct the payment to such person of an amount equal to the price received for the property less the cost of the sale and other expenses incurred in connection with the property.

#### Commencement

**23.** This Act comes into force on the day it receives Royal Assent.

#### Short title

**24.** This Act may be cited as *The St. Clair Parkway Commission Act, 1966*.

188-189

188-189

188-189

188-189

188-189

An Act to provide for the Establishment  
of The St. Clair Parkway Commission

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*1st Reading*

April 25th, 1966

*2nd Reading*

May 6th, 1966

*3rd Reading*

May 18th, 1966

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MR. MACNAUGHTON

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# **BILL 103**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Vital Statistics Act**

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**MR. YAREMKO**

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### EXPLANATORY NOTES

SECTION 1. The provision being repealed reads: "Except as may be required by the regulations, the cause of death shall not be stated on a burial permit." The regulations read: "Where the cause of death . . . was by disease, the division registrar shall insert the cause of death in the burial permit."

The repeal of these provisions will bring Ontario into line with all the other provinces of Canada.

SECTION 2. Under the present Act, where a person is buried on the authority of a coroner's warrant and it is impracticable for the coroner to complete the medical certificate of the cause of death before the burial takes place, the coroner is required, within two days of the determining of the cause of death or completing his investigation, to send the medical certificate to the local division registrar, who in turn is required to send it to the Registrar General as part of his weekly return of documents to the Registrar General.

The purpose of this amendment is to require the coroner to send the medical certificate of death to the Registrar General instead of to the local division registrar, thus avoiding delay in having the record of the death completed.

SECTION 3. Under the present Act, where a statement of birth, still-birth or death is sent directly to the Registrar General instead of to the local division registrar as is required by the Act, it is necessary for the Registrar General to send the statement to the local registrar for registration. After making the registration, the local registrar is then required to send it back to the Registrar General as part of his weekly return of documents.

The purpose of this amendment is to permit the Registrar General to register the event directly without having to go through the present circuitous procedure.

## An Act to amend The Vital Statistics Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.

1. Subsection 4 of section 18 of *The Vital Statistics Act* is repealed. R.S.O. 1960,  
c. 419, s. 18,  
subs. 4,  
repealed

2. Subsection 2 of section 20 of *The Vital Statistics Act* is amended by striking out "division registrar" in the tenth line and inserting in lieu thereof "Registrar General", so that the subsection shall read as follows: R.S.O. 1960,  
c. 419, s. 20,  
subs. 2,  
amended

(2) Where a person has died under any of the circumstances mentioned in subsection 1 and it is impracticable for the coroner to complete a medical certificate of the cause of death, he may issue his warrant to bury when he has examined the body as provided in *The Coroners Act*, and the division registrar shall issue a burial permit on the delivery to him of the warrant to bury, and the coroner shall, within two days of his determining the cause of death or of the completion of his investigation, certify and deliver or mail the medical certificate of death to the Registrar General. Coroner's  
warrant  
to bury  
  
R.S.O. 1960,  
c. 69

3. *The Vital Statistics Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 419,  
amended

50a.—(1) Where a statement of birth, still-birth or death is received for registration by the Registrar General directly instead of by the division registrar of the registration division within which the birth, still-birth or death, as the case may be, occurred, the Registrar General may, if he is satisfied as to the correctness and sufficiency of the statement, register the birth, still-birth or death by signing the statement, and thereupon the provisions of this Act relating to the registration of births, still-births and deaths apply *mutatis mutandis* thereto. Registration  
by Registrar  
General

Idem

- (2) Where the Registrar General registers a birth, still-birth or death under subsection 1, he shall forward a copy of the statement of birth, still-birth or death, as the case may be, received by him for registration to the division registrar of the registration division within which the event occurred.

R.S.O. 1960,  
c. 419, s. 55,  
cl. g,  
repealed

- 4.** Clause g of section 55 of *The Vital Statistics Act* is repealed.

R.R.O. 1960,  
Reg. 562,  
s. 38,  
revoked

- 5.** Section 38 of Regulation 562 of the Revised Regulations of Ontario, 1960 is revoked.

Commence-  
ment

- 6.** This Act comes into force on the 1st day of July, 1966.

Short title

- 7.** This Act may be cited as *The Vital Statistics Amendment Act, 1966*.

SECTION 4. Complementary to section 2 of this Bill. The provision repealed authorizes the Lieutenant Governor in Council to make regulations "prescribing the conditions under which the division registrar shall state the cause of death on a burial permit".

SECTION 5. See note to section 4.





Received of Mr. [Name] the sum of [Amount] Dollars for [Purpose]

For [Purpose]

No.

For [Purpose]

For [Purpose]

An Act to amend  
The Vital Statistics Act

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*1st Reading*

April 25th, 1966

*2nd Reading*

*3rd Reading*

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MR. YAREMKO

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# **BILL 103**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Vital Statistics Act**

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**MR. YAREMKO**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**



BILL 103

1966

## An Act to amend The Vital Statistics Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 18 of *The Vital Statistics Act* is repealed. R.S.O. 1960,  
c. 419, s. 18,  
subs. 4,  
repealed

2. Subsection 2 of section 20 of *The Vital Statistics Act* is amended by striking out "division registrar" in the tenth line and inserting in lieu thereof "Registrar General", so that the subsection shall read as follows: R.S.O. 1960,  
c. 419, s. 20,  
subs. 2,  
amended

(2) Where a person has died under any of the circumstances mentioned in subsection 1 and it is impracticable for the coroner to complete a medical certificate of the cause of death, he may issue his warrant to bury when he has examined the body as provided in *The Coroners Act*, and the division registrar shall issue a burial permit on the delivery to him of the warrant to bury, and the coroner shall, within two days of his determining the cause of death or of the completion of his investigation, certify and deliver or mail the medical certificate of death to the Registrar General. Coroner's  
warrant  
to bury  
  
R.S.O. 1960,  
c. 69

3. *The Vital Statistics Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 419,  
amended

50a.—(1) Where a statement of birth, still-birth or death is received for registration by the Registrar General directly instead of by the division registrar of the registration division within which the birth, still-birth or death, as the case may be, occurred, the Registrar General may, if he is satisfied as to the correctness and sufficiency of the statement, register the birth, still-birth or death by signing the statement, and thereupon the provisions of this Act relating to the registration of births, still-births and deaths apply *mutatis mutandis* thereto. Registration  
by Registrar  
General



Idem

- (2) Where the Registrar General registers a birth, still-birth or death under subsection 1, he shall forward a copy of the statement of birth, still-birth or death, as the case may be, received by him for registration to the division registrar of the registration division within which the event occurred.

R.S.O. 1960,  
c. 419, s. 55,  
cl. g,  
repealed

- 4.** Clause g of section 55 of *The Vital Statistics Act* is repealed.

R.R.O. 1960,  
Reg. 562,  
s. 38,  
revoked

- 5.** Section 38 of Regulation 562 of the Revised Regulations of Ontario, 1960 is revoked.

Commence-  
ment

- 6.** This Act comes into force on the 1st day of July, 1966.

Short title

- 7.** This Act may be cited as *The Vital Statistics Amendment Act, 1966*.







An Act to amend  
The Vital Statistics Act

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*1st Reading*

April 25th, 1966

*2nd Reading*

May 6th, 1966

*3rd Reading*

May 18th, 1966

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MR. YAREMKO

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# **BILL 104**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Conservation Authorities Act**

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**MR. SIMONETT**

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#### EXPLANATORY NOTE

The amendment enlarges the Spencer Creek Conservation area to include the City of Hamilton, the Town of Stoney Creek and that part of the Township of Saltfleet lying outside the Niagara Peninsula Conservation Authority, and creates a new authority under the name of the Hamilton Region Conservation Authority.

BILL 104

1966

## An Act to amend The Conservation Authorities Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Conservation Authorities Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 62,  
amended

- 4a.—(1) There is hereby constituted an authority to be known as the Hamilton Region Conservation Authority. Hamilton  
Region Con-  
servation  
Authority  
established
- (2) The Spencer Creek Conservation Authority is hereby dissolved. Spencer  
Creek Con-  
servation  
Authority  
dissolved
- (3) All the assets and liabilities of the Spencer Creek Conservation Authority are hereby vested in and become assets and liabilities of the Hamilton Region Conservation Authority. Assets and  
liabilities
- (4) The City of Hamilton, the towns of Dundas and Stoney Creek and the townships of Ancaster, Beverly, Flamborough East, Flamborough West, Puslinch and Saltfleet are hereby designated as the participating municipalities in the Hamilton Region Conservation Authority for the purposes of this Act. Participating  
municipalities
- (5) The Hamilton Region Conservation Authority shall have jurisdiction in all matters provided for in the Act over an area composed of the watersheds of Spencer Creek and all other streams entering Lake Ontario, including any bays or inlets thereof, from the point where the northeast boundary of the Spencer Creek watershed meets the shore of Lake Ontario to the point where the northwest boundary of the Niagara Peninsula Conservation Authority meets the shore of Lake Ontario. Jurisdiction  
of Authority

Idem	(6) The City of Hamilton and the Town of Stoney Creek are wholly included in the area over which the Hamilton Region Conservation Authority has jurisdiction.
Members	(7) Notwithstanding section 10, the number of members appointed by the City of Hamilton shall at all times be equal to the total number of members appointed by the other participating municipalities.
Commence- ment	<b>2.</b> This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.
Short title	<b>3.</b> This Act may be cited as <i>The Conservation Authorities Amendment Act, 1966</i> .









An Act to amend  
The Conservation Authorities Act

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*1st Reading*

April 26th, 1966

*2nd Reading*

*3rd Reading*

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MR. SIMONETT

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# **BILL 104**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Conservation Authorities Act**

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**MR. SIMONETT**

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## An Act to amend The Conservation Authorities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Conservation Authorities Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 62,  
amended

- 4a.**—(1) There is hereby constituted an authority to be known as the Hamilton Region Conservation Authority. Hamilton  
Region Con-  
servation  
Authority  
established
- (2) The Spencer Creek Conservation Authority is hereby dissolved. Spencer  
Creek Con-  
servation  
Authority  
dissolved
- (3) All the assets and liabilities of the Spencer Creek Conservation Authority are hereby vested in and become assets and liabilities of the Hamilton Region Conservation Authority. Assets and  
liabilities
- (4) The City of Hamilton, the towns of Dundas and Stoney Creek and the townships of Ancaster, Beverly, Flamborough East, Flamborough West, Puslinch and Saltfleet are hereby designated as the participating municipalities in the Hamilton Region Conservation Authority for the purposes of this Act. Participating  
municipal-  
ities
- (5) The Hamilton Region Conservation Authority shall have jurisdiction in all matters provided for in the Act over an area composed of the watersheds of Spencer Creek and all other streams entering Lake Ontario, including any bays or inlets thereof, from the point where the northeast boundary of the Spencer Creek watershed meets the shore of Lake Ontario to the point where the northwest boundary of the Niagara Peninsula Conservation Authority meets the shore of Lake Ontario. Jurisdiction  
of Authority

- |                   |   |
|-------------------|---|
| Idem              | (6) The City of Hamilton and the Town of Stoney Creek are wholly included in the area over which the Hamilton Region Conservation Authority has jurisdiction.   |
| Members           | (7) Notwithstanding section 10, the number of members appointed by the City of Hamilton shall at all times be equal to the total number of members appointed by the other participating municipalities. |
| Commence-<br>ment | <b>2.</b> This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.  |
| Short title       | <b>3.</b> This Act may be cited as <i>The Conservation Authorities Amendment Act, 1966</i> .  |









An Act to amend  
The Conservation Authorities Act

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*1st Reading*

April 26th, 1966

*2nd Reading*

May 6th, 1966

*3rd Reading*

May 18th, 1966

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MR. SIMONETT

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# **BILL 105**

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## **An Act to amend The Territorial Division Act**

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MR. SPOONER

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#### EXPLANATORY NOTE

The amendments are to bring the Act up to date with the changes made in the corporate status of municipalities by reason of dissolutions, amalgamations and annexations.

BILL 105

1966

## An Act to amend The Territorial Division Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of paragraph 16 of section 1 of *The Territorial Division Act* is amended by inserting after "of" in the first line "Bayfield". R.S.O. 1960,  
c. 395, s. 1,  
par. 16,  
cl. b,  
amended

(2) Clause *b* of paragraph 31 of the said section 1, as amended by subsection 13 of section 1 of *The Territorial Division Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 395, s. 1,  
par. 31,  
cl. b,  
re-enacted

(b) the villages of Alfred, L'Original, Plantagenet, St. Isidore de Prescott.

(3) Clause *b* of paragraph 44 of the said section 1 is amended by striking out "Nesterville" in the first line. R.S.O. 1960,  
c. 395, s. 1,  
par. 44,  
cl. b,  
amended

(4) Clause *d* of paragraph 44 of the said section 1 is amended by striking out "Korah" in the first column and by striking out "Tarentorus" in the third column. R.S.O. 1960,  
c. 395, s. 1,  
par. 44,  
cl. d,  
amended

2. This Act may be cited as *The Territorial Division Amendment Act, 1966*. Short title

Bill No. 100  
The Territorial Division Act

*1st Reading*

April 29th, 1966

*2nd Reading*

*3rd Reading*

MR. SPOONER



# **BILL 105**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Territorial Division Act**

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**MR. SPOONER**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**



BILL 105

1966

## An Act to amend The Territorial Division Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *b* of paragraph 16 of section 1 of *The Territorial Division Act* is amended by inserting after “of” in the first line “Bayfield”. R.S.O. 1960,  
c. 395, s. 1,  
par. 16,  
cl. b,  
amended

(2) Clause *b* of paragraph 31 of the said section 1, as amended by subsection 13 of section 1 of *The Territorial Division Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 395, s. 1,  
par. 31,  
cl. b,  
re-enacted

(b) the villages of Alfred, L'Original, Plantagenet, St. Isidore de Prescott.

(3) Clause *b* of paragraph 44 of the said section 1 is amended by striking out “Nesterville” in the first line. R.S.O. 1960,  
c. 395, s. 1,  
par. 44,  
cl. b,  
amended

(4) Clause *d* of paragraph 44 of the said section 1 is amended by striking out “Korah” in the first column and by striking out “Tarentorus” in the third column. R.S.O. 1960,  
c. 395, s. 1,  
par. 44,  
cl. d,  
amended

**2.** This Act may be cited as *The Territorial Division Amendment Act, 1966*. Short title

An Act to amend  
The Territorial Division Act

---

*1st Reading*

April 29th, 1966

*2nd Reading*

May 18th, 1966

*3rd Reading*

June 2nd, 1966

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MR. SPOONER

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# **BILL 106**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to provide for the Registration of and Disclosure by Public Finance Companies that hold Shares in Private Loan Companies**

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**MR. WISHART**

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#### EXPLANATORY NOTE

The purpose of the Bill is to provide for the registration of companies that raise money from the public and invest it indirectly through private companies incorporated under section 3 (2) of *The Corporations Act*, and for the disclosure of information respecting the financial structure and investments of such companies.

## An Act to provide for the Registration of and Disclosure by Public Finance Companies that hold Shares in Private Loan Companies

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

- (a) "private loan company" means a company that is or has been incorporated in accordance with subsection 2 of section 3 of *The Corporations Act* or any predecessor thereof; R.S.O. 1960, c. 71
- (b) "public finance company" means a company that has as one of its principal businesses lending or investing money, dealing in mortgages on the security of real or personal property or purchasing accounts receivable, or any combination thereof, and that borrows or raises money from the public for any of such purposes, but does not include,
  - (i) a bank to which the *Bank Act* (Canada) 1953-54, c. 48 (Can.) applies,
  - (ii) an insurer licensed under *The Insurance Act*, R.S.O. 1960, c. 190
  - (iii) an issuer registered under *The Investment Contracts Act*, R.S.O. 1960, c. 194
  - (iv) a corporation registered under *The Loan and Trust Corporations Act*, or R.S.O. 1960, c. 222
  - (v) a credit union or credit union league incorporated under *The Credit Unions Act*; R.S.O. 1960, c. 79
- (c) "Registrar" means the Registrar appointed under *The Loan and Trust Corporations Act*. R.S.O. 1960, c. 222

- Registration required**      **2.**—(1) No public finance company shall hold any shares of a private loan company, whether directly or indirectly or through the interposition of one or more persons or corporations or otherwise, unless the public finance company is registered under this Act.
- Application**            (2) Subsection 1 comes into force one month after the day on which this Act is proclaimed in force.
- Registration by Registrar**      **3.** An application for registration under this Act shall be made to the Registrar who shall register the applicant upon receipt of the application.
- Annual statement**      **4.**—(1) The managing director, manager or secretary of each public finance company registered under this Act shall prepare annually a statement in the form prescribed by the Registrar of the financial condition and affairs of the company, particularly with reference to its capital, surplus and borrowings and the amounts invested in, loaned to or deposited with private loan companies during its fiscal year, and the statement shall be filed with the Registrar within two months after the end of the year to which it relates.
- Further information**      (2) The Registrar may, by a direction in writing, require the president, secretary, managing director or other officer or officers of a public finance company to provide such other information or returns relevant to determining the capital, surplus and borrowings of the public finance company and the amount invested in, loaned to or deposited with private loan companies by the public finance company, at such times as the Registrar requires, and may require such information or returns to be verified by affidavit.
- Penalty**                **5.**—(1) Every person who contravenes section 2 or fails to comply with a direction of the Registrar under section 4 is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.
- Idem, company**            (2) Where a public finance company is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the company is a fine of \$25,000 and not as provided therein.
- Commencement**      **6.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.
- Short title**            **7.** This Act may be cited as *The Public Finance Companies' Investments Act, 1966*.









An Act to provide for the Registration  
of and Disclosure by Public Finance  
Companies that hold Shares in Private  
Loan Companies

---

*1st Reading*

May 2nd, 1966

*2nd Reading*

*3rd Reading*

---

MR. WISHART

---

# **BILL 106**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

---

## **An Act to provide for the Registration of and Disclosure by Public Finance Companies that hold Shares in Private Loan Companies**

---

**MR. WISHART**

---

*(Reprinted as amended by the Committee on Legal Bills and Labour)*

#### EXPLANATORY NOTE

The purpose of the Bill is to provide for the registration of companies that raise money from the public and invest it indirectly through private companies incorporated under section 3 (2) of *The Corporations Act*, and for the disclosure of information respecting the financial structure and investments of such companies.

BILL 106

1966

## An Act to provide for the Registration of and Disclosure by Public Finance Companies that hold Shares in Private Loan Companies

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

- (a) "private loan company" means a company that is or has been incorporated in accordance with subsection 2 of section 3 of *The Corporations Act* or any predecessor thereof; R.S.O. 1960, c. 71
- (b) "public finance company" means a company that has as one of its principal businesses lending or investing money, dealing in mortgages on the security of real or personal property or purchasing accounts receivable, or any combination thereof, and that borrows or raises money from the public for any of such purposes, but does not include,
  - (i) a bank to which the *Bank Act* (Canada) 1953-54, c. 48 (Can.) applies,
  - (ii) an insurer licensed under *The Insurance Act*, R.S.O. 1960, c. 190
  - (iii) an issuer registered under *The Investment Contracts Act*, R.S.O. 1960, c. 194
  - (iv) a corporation registered under *The Loan and Trust Corporations Act*, or R.S.O. 1960, c. 222
  - (v) a credit union or credit union league incorporated under *The Credit Unions Act*; R.S.O. 1960, c. 79
- (c) "Registrar" means the Registrar appointed under *The Loan and Trust Corporations Act*. R.S.O. 1960, c. 222



Registration  
required

**2.**—(1) No public finance company shall hold any shares of a private loan company, whether directly or indirectly or through the interposition of one or more persons or corporations or otherwise, unless the public finance company is registered under this Act.

Application

(2) Subsection 1 comes into force one month after the day on which this Act is proclaimed in force.

Registration  
by  
Registrar

**3.** An application for registration under this Act shall be made to the Registrar who shall register the applicant upon receipt of the application.

Annual  
statement

**4.**—(1) The managing director, manager or secretary of each public finance company registered under this Act shall prepare annually a statement in the form prescribed by the Registrar consisting of the annual financial statement of the company for its last fiscal year, together with the amount of its capital, surplus and borrowings, and the amounts invested in, loaned to or deposited with private loan companies during such fiscal year, and the statement shall be filed with the Registrar within six months after the end of the year to which it relates.

Further  
information

(2) The Registrar may, by a direction in writing, require the president, secretary, managing director or other officer or officers of a public finance company to provide such other information or returns relevant to determining the capital, surplus and borrowings of the public finance company and the amount invested in, loaned to or deposited with private loan companies by the public finance company, at such times as the Registrar requires, and may require such information or returns to be verified by affidavit.

Idem

(3) The registrar in giving any direction under subsection 2 shall allow the public company a reasonable time within which to provide the further information required, having regard to the nature of the information required and all other circumstances.

Penalty

**5.**—(1) Every person who contravenes section 2 or fails to comply with a direction of the Registrar under section 4 is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Idem,  
company

(2) Where a public finance company is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the company is a fine of \$25,000 and not as provided therein.

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-</sup>  
<sup>ment</sup>

7. This Act may be cited as *The Public Finance Companies' Short title Investments Act, 1966.*





An Act to provide for the Registration  
of and Disclosure by Public Finance  
Companies that hold Shares in Private  
Loan Companies

---

*1st Reading*

May 2nd, 1966

*2nd Reading*

May 6th, 1966

*3rd Reading*

---

MR. WISHART

---

*(Reprinted as amended by the Committee  
on Legal Bills and Labour)*



# **BILL 106**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

---

## **An Act to provide for the Registration of and Disclosure by Public Finance Companies that hold Shares in Private Loan Companies**

---

**MR. WISHART**

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BILL 106

1966

## An Act to provide for the Registration of and Disclosure by Public Finance Companies that hold Shares in Private Loan Companies

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "private loan company" means a company that is or has been incorporated in accordance with subsection 2 of section 3 of *The Corporations Act* or any predecessor thereof; R.S.O. 1960,  
c. 71
- (b) "public finance company" means a company that has as one of its principal businesses lending or investing money, dealing in mortgages on the security of real or personal property or purchasing accounts receivable, or any combination thereof, and that borrows or raises money from the public for any of such purposes, but does not include,
  - (i) a bank to which the *Bank Act* (Canada) 1953-54,  
c. 48 (Can.) applies,
  - (ii) an insurer licensed under *The Insurance Act*, R.S.O. 1960,  
c. 190
  - (iii) an issuer registered under *The Investment Contracts Act*, R.S.O. 1960,  
c. 194
  - (iv) a corporation registered under *The Loan and Trust Corporations Act*, or R.S.O. 1960,  
c. 222
  - (v) a credit union or credit union league incorporated under *The Credit Unions Act*; R.S.O. 1960,  
c. 79
- (c) "Registrar" means the Registrar appointed under *The Loan and Trust Corporations Act*. R.S.O. 1960,  
c. 222

Registration  
required

**2.**—(1) No public finance company shall hold any shares of a private loan company, whether directly or indirectly or through the interposition of one or more persons or corporations or otherwise, unless the public finance company is registered under this Act.

Application

(2) Subsection 1 comes into force one month after the day on which this Act is proclaimed in force.

Registration  
by  
Registrar

**3.** An application for registration under this Act shall be made to the Registrar who shall register the applicant upon receipt of the application.

Annual  
statement

**4.**—(1) The managing director, manager or secretary of each public finance company registered under this Act shall prepare annually a statement in the form prescribed by the Registrar consisting of the annual financial statement of the company for its last fiscal year, together with the amount of its capital, surplus and borrowings, and the amounts invested in, loaned to or deposited with private loan companies during such fiscal year, and the statement shall be filed with the Registrar within six months after the end of the year to which it relates.

Further  
information

(2) The Registrar may, by a direction in writing, require the president, secretary, managing director or other officer or officers of a public finance company to provide such other information or returns relevant to determining the capital, surplus and borrowings of the public finance company and the amount invested in, loaned to or deposited with private loan companies by the public finance company, at such times as the Registrar requires, and may require such information or returns to be verified by affidavit.

Idem

(3) The registrar in giving any direction under subsection 2 shall allow the public company a reasonable time within which to provide the further information required, having regard to the nature of the information required and all other circumstances.

Penalty

**5.**—(1) Every person who contravenes section 2 or fails to comply with a direction of the Registrar under section 4 is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Idem,  
company

(2) Where a public finance company is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the company is a fine of \$25,000 and not as provided therein.

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-</sup>  
<sub>ment</sub>

7. This Act may be cited as *The Public Finance Companies' Investments Act, 1966*. <sup>Short title</sup>







an act to provide for the registration  
of and Disclosure by Public Finance  
Companies that hold Shares in Private  
Loan Companies

---

*1st Reading*

May 2nd, 1966

*2nd Reading*

May 6th, 1966

*3rd Reading*

June 15th, 1966

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MR. WISHART

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## BILL 107

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

---

### An Act to amend The Juvenile and Family Courts Act

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MR. WISHART

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TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTE

The new provision authorizes agreements with municipalities for the operation of juvenile and family courts by Ontario and for the apportionment of the costs.



BILL 107

1966

## An Act to amend The Juvenile and Family Courts Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Juvenile and Family Courts Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 201,  
amended

14a. The Attorney General and the council or councils of any municipality or municipalities in and for which a juvenile and family court is established may enter into an agreement, Agreements  
with muni-  
cipalities

- (a) providing for the administration and operation by Ontario of the juvenile and family court;
- (b) providing for the payment of the maintenance and operational costs of the juvenile and family court and the apportionment thereof, and, notwithstanding section 14, respecting the employment of the officers and staff thereof; and
- (c) providing for the leasing to Ontario of the premises of the juvenile and family court for a nominal rent.

**2.** The moneys required for the purposes of an agreement under section 14a of *The Juvenile and Family Courts Act*, as enacted by section 1, shall, until the 31st day of March, 1967, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. Moneys  
R.S.O. 1960,  
c. 201

**3.** This Act shall be deemed to have come into force on the 1st day of April, 1966. Commence-  
ment

**4.** This Act may be cited as *The Juvenile and Family Courts Amendment Act, 1966*. Short title

An Act to amend  
The Juvenile and Family Courts Act

---

*1st Reading*

May 3rd, 1966

*2nd Reading*

*3rd Reading*

---

MR. WISHART

---

# **BILL 107**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Juvenile and Family Courts Act**

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**MR. WISHART**

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---

**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**



BILL 107

1966

## An Act to amend The Juvenile and Family Courts Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Juvenile and Family Courts Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 201,  
amended

**14a.** The Attorney General and the council or councils of any municipality or municipalities in and for which a juvenile and family court is established may enter into an agreement, Agreements  
with muni-  
cipalities

- (a) providing for the administration and operation by Ontario of the juvenile and family court;
- (b) providing for the payment of the maintenance and operational costs of the juvenile and family court and the apportionment thereof, and, notwithstanding section 14, respecting the employment of the officers and staff thereof; and
- (c) providing for the leasing to Ontario of the premises of the juvenile and family court for a nominal rent.

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R.S.O. 1960,  
c. 201

**3.** This Act shall be deemed to have come into force on the 1st day of April, 1966. Commence-  
ment

**4.** This Act may be cited as *The Juvenile and Family Courts Amendment Act, 1966*. Short title



The Juvenile and Family Courts Act

---

*1st Reading*

May 3rd, 1966

*2nd Reading*

May 6th, 1966

*3rd Reading*

May 18th, 1966

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MR. WISHART

---

# **BILL 108**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Penal and Reform Institutions Inspection Act**

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**MR. GROSSMAN**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

#### EXPLANATORY NOTE

This Bill is complementary to amendments to *The Police Act* bringing the control and inspection of lock-ups under that Act.

BILL 108

1966

## An Act to amend The Penal and Reform Institutions Inspection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Penal and Reform Institutions Inspection Act*, as amended by section 1 of *The Penal and Reform Institutions Inspection Amendment Act, 1964*, is further amended by striking out "or lock-up" in the sixth line, so that the clause shall read as follows:

R.S.O. 1960,  
c. 291, s. 1,  
cl. *c*,  
amended

(c) "penal and reform institution" means a reformatory under *The Reformatories Act*, The Andrew Mercer Ontario Reformatory under *The Andrew Mercer Reformatory Act*, an industrial farm under *The Industrial Farms Act* and a jail under *The Municipal Act* or under *The Jails Act*, and includes any other prison, reformatory, industrial farm, jail or other institution or place for confinement or detention of prisoners and other persons charged with or convicted of any offence against the laws of Canada or Ontario, with respect to which by any general or special Act of Canada or Ontario this Act is made applicable.

R.S.O. 1960,  
cc. 347, 15,  
185, 249,  
195

2. Subsection 1 of section 5 of *The Penal and Reform Institutions Inspection Act*, as amended by subsection 1 of section 2 of *The Penal and Reform Institutions Inspection Amendment Act, 1964*, is further amended by striking out "or lock-up" in the second line, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 291, s. 5,  
subs. 1,  
amended

(1) Subject to subsection 2, no by-law, rule or regulation of a municipality relating to a jail established or maintained by it has force or shall take effect until approved by the Minister.

Municipal  
regulations  
for jails

R.S.O. 1960,  
c. 291, s. 6,  
repealed

**3.** Section 6 of *The Penal and Reform Institutions Inspection Act* is repealed.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Penal and Reform Institutions Inspection Amendment Act, 1966*.









An Act to amend 'The Penal  
and Reform Institutions Inspection Act

---

*1st Reading*

May 3rd, 1966

*2nd Reading*

*3rd Reading*

---

MR. GROSSMAN

---

# **BILL 108**

---

4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

---

## **An Act to amend The Penal and Reform Institutions Inspection Act**

---

MR. GROSSMAN

---





BILL 108

1966

## An Act to amend The Penal and Reform Institutions Inspection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Penal and Reform Institutions Inspection Act*, as amended by section 1 of *The Penal and Reform Institutions Inspection Amendment Act, 1964*, is further amended by striking out "or lock-up" in the sixth line, so that the clause shall read as follows:

R.S.O. 1960,  
c. 291, s. 1,  
cl. c,  
amended

- (c) "penal and reform institution" means a reformatory under *The Reformatories Act*, The Andrew Mercer Ontario Reformatory under *The Andrew Mercer Reformatory Act*, an industrial farm under *The Industrial Farms Act* and a jail under *The Municipal Act* or under *The Jails Act*, and includes any other prison, reformatory, industrial farm, jail or other institution or place for confinement or detention of prisoners and other persons charged with or convicted of any offence against the laws of Canada or Ontario, with respect to which by any general or special Act of Canada or Ontario this Act is made applicable.

R.S.O. 1960,  
cc. 347, 15,  
185, 249,  
195

2. Subsection 1 of section 5 of *The Penal and Reform Institutions Inspection Act*, as amended by subsection 1 of section 2 of *The Penal and Reform Institutions Inspection Amendment Act, 1964*, is further amended by striking out "or lock-up" in the second line, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 291, s. 5,  
subs. 1,  
amended

- (1) Subject to subsection 2, no by-law, rule or regulation of a municipality relating to a jail established or maintained by it has force or shall take effect until approved by the Minister.

Municipal  
regulations  
for jails

R.S.O. 1960,  
c. 291, s. 6,  
repealed

**3.** Section 6 of *The Penal and Reform Institutions Inspection Act* is repealed.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Penal and Reform Institutions Inspection Amendment Act, 1966*.









An Act to amend The Penal  
and Reform Institutions Inspection Act

---

*1st Reading*

May 3rd, 1966

*2nd Reading*

May 6th, 1966

*3rd Reading*

May 18th, 1966

---

MR. GROSSMAN

---

# **BILL 109**

---

4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

---

## **An Act to amend The Jails Act**

---

MR. GROSSMAN

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#### EXPLANATORY NOTE

The provisions repealed specify the lock-ups that shall exist before two counties may be authorized to use a joint jail. The repeal is complementary to proposed amendments to *The Police Act* giving the Ontario Police Commission jurisdiction over lock-ups.

BILL 109

1966

## An Act to amend The Jails Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 4, 5, 6 and 7 of section 10 of *The Jails Act* R.S.O. 1960, c. 195, s. 10, subss. 4-7, repealed are repealed.
2. This Act comes into force on the day it receives Royal Commence-  
ment Assent.
3. This Act may be cited as *The Jails Amendment Act*, Short title 1966.



An Act to amend The Jails Act

---

*1st Reading*

May 3rd, 1966

*2nd Reading*

*3rd Reading*

---

MR. GROSSMAN

---

# **BILL 109**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

---

## **An Act to amend The Jails Act**

---

**MR. GROSSMAN**

---



BILL 109

1966

## An Act to amend The Jails Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 4, 5, 6 and 7 of section 10 of *The Jails Act* R.S.O. 1960, c. 195, s. 10, subs. 4-7, repealed are repealed.
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Jails Amendment Act*, Short title 1966.

An Act to amend 'The Jails Act

---

*1st Reading*

May 3rd, 1966

*2nd Reading*

May 6th, 1966

*3rd Reading*

May 18th, 1966

---

MR. GROSSMAN

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# **BILL 110**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

---

## **An Act to amend The Industrial Farms Act**

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**MR. GROSSMAN**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

#### EXPLANATORY NOTE

The provisions repealed make specific reference to lock-ups that shall exist before an industrial farm may be ordered to be the common jail.

BILL 110

1966

## An Act to amend The Industrial Farms Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 3 of *The Industrial Farms Act* are repealed. R.S.O. 1960,  
c. 185, s. 3,  
subss. 2, 3,  
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. This Act may be cited as *The Industrial Farms Amendment Act, 1966*. Short title

An Act to amend The Industrial Farms Act

---

*1st Reading*

May 3rd, 1966

*2nd Reading*

*3rd Reading*

---

MR. GROSSMAN

---

# **BILL 110**

---

4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

---

## **An Act to amend The Industrial Farms Act**

---

MR. GROSSMAN

---





BILL 110

1966

## An Act to amend The Industrial Farms Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 3 of *The Industrial Farms Act* are repealed. R.S.O. 1960,  
c. 185, s. 3,  
subss. 2, 3,  
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. This Act may be cited as *The Industrial Farms Amendment Act, 1966*. Short title

---

*1st Reading*

May 3rd, 1966

*2nd Reading*

May 6th, 1966

*3rd Reading*

May 18th, 1966

---

MR. GROSSMAN

---

# **BILL 111**

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

## **An Act to amend The Private Sanitaria Act**

**MR. DYMOND**

**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

#### EXPLANATORY NOTE

This amendment is complementary to amendments to *The Coroners Act*, which provide for the reporting of deaths in private sanitaria.



BILL 111

1966

## An Act to amend The Private Sanitaria Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 26 of *The Private Sanitaria Act* is amended by striking out "to the nearest coroner and" in the seventh line, so that the subsection shall read as follows: R.S.O. 1960, c. 307, s. 26, subs. 1, amended

- (1) Where a patient dies in a sanitarium, a statement of the cause of death, with the name of any person present at the death, shall be forthwith drawn up and signed by the superintendent of the sanitarium, and a copy thereof duly certified by the proprietor or superintendent shall, within forty-eight hours after the death of the patient, be transmitted by him to the inspector and to the secretary of the board, and also to the person who signed the requisition for the patient's admission or, if he is dead or absent from Ontario, to the person who made the last payment on account of the patient. Certificate required in case of death

**2.** This Act comes into force on the 1st day of September, 1966. Commencement

**3.** This Act may be cited as *The Private Sanitaria Amendment Act, 1966*. Short title

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*1st Reading*

May 9th, 1966

*2nd Reading*

*3rd Reading*

---

MR. DYMOND

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# BILL 111

4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

## An Act to amend The Private Sanitaria Act

MR. DYMOND



BILL 111

1966

## An Act to amend The Private Sanitaria Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 26 of *The Private Sanitaria Act* R.S.O. 1960, c. 307, s. 26, subs. 1, amended is amended by striking out "to the nearest coroner and" in the seventh line, so that the subsection shall read as follows:

- (1) Where a patient dies in a sanitarium, a statement of the cause of death, with the name of any person present at the death, shall be forthwith drawn up and signed by the superintendent of the sanitarium, and a copy thereof duly certified by the proprietor or superintendent shall, within forty-eight hours after the death of the patient, be transmitted by him to the inspector and to the secretary of the board, and also to the person who signed the requisition for the patient's admission or, if he is dead or absent from Ontario, to the person who made the last payment on account of the patient. Certificate required in case of death

**2.** This Act comes into force on the 1st day of September, 1966. Commencement

**3.** This Act may be cited as *The Private Sanitaria Amendment Act, 1966*. Short title



An Act to amend  
The Private Sanitaria Act

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*1st Reading*

May 9th, 1966

*2nd Reading*

May 18th, 1966

*3rd Reading*

June 2nd, 1966

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MR. DYMOND

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# **BILL 112**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to provide for Crop Insurance**

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**MR. STEWART**

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#### EXPLANATORY NOTE

The Bill provides for the establishment of crop insurance plans in co-ordination with the *Crop Insurance Act* (Canada).

BILL 112

1966

## An Act to provide for Crop Insurance

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Commission" means The Crop Insurance Commission of Ontario;
- (b) "contract of insurance" means a contract of insurance under a plan;
- (c) "Fund" means the Ontario Crop Insurance Fund;
- (d) "insurable crop" means an agricultural crop designated as an insurable crop by the regulations;
- (e) "Minister" means the Minister of Agriculture and Food;
- (f) "plan" means a plan of crop insurance established by the regulations;
- (g) "regulations" means the regulations made under this Act.

**2.**—(1) There is hereby established a commission, to be known as The Crop Insurance Commission of Ontario, which shall be a corporation without share capital responsible to the Minister. <sup>Crop Insurance Commission of Ontario established</sup>

(2) The Commission shall be composed of not fewer than five members who shall be appointed by the Lieutenant Governor in Council. <sup>Composition</sup>

(3) The Lieutenant Governor in Council may designate one of the members of the Commission as chairman and one as vice-chairman. <sup>Chairman and vice-chairman</sup>

- Quorum (4) Three members of the Commission, of whom one shall be the chairman or the vice-chairman, constitute a quorum.
- Remuneration (5) Such members of the Commission as are not officers in the public service of Ontario shall receive such remuneration and expenses as the Lieutenant Governor in Council from time to time determines.
- Liability (6) No member of the Commission and no officer or other employee of the Commission is personally liable for anything done by him in good faith under or purporting to be under the authority of this Act or the regulations.
- R.S.O. 1960, c. 71, does not apply (7) *The Corporations Act* does not apply to the Commission.
- General manager and staff **3.—**(1) A general manager of the Commission and such other officers, clerks and servants as are deemed necessary from time to time for the proper conduct of the business of the Commission may be appointed under *The Public Service Act, 1961-62*.
- 1961-62, c. 121
- Duties of general manager (2) The general manager of the Commission shall be the chief administrative officer of the Commission, and the Commission may delegate to the general manager such of its powers and duties under this Act as it deems advisable.
- Professional assistance (3) The Commission may engage persons other than those appointed under subsection 1 to provide professional, technical or other assistance to or on behalf of the Commission.
- Functions of Commission **4.** It is the function of the Commission and it has power,
- (a) to administer plans of crop insurance established by the regulations;
  - (b) to conduct surveys and research programmes relating to crop insurance and to obtain statistics for the purposes of the Commission;
  - (c) to evaluate losses and pay claims under plans of crop insurance;
  - (d) to enter into agreements with or retain persons for the soliciting and receiving of applications for insurance, the collecting of premiums and the adjusting of claims under plans for and on behalf of the Commission, and the doing of such other things on its behalf as the Commission deems necessary;
  - (e) to re-insure with any other insurer the risk or any portion thereof under its contracts of insurance under any plan;



- (f) to require an applicant for crop insurance or an insured person to furnish such information, statements and reports as the Commission requires from time to time;
- (g) to administer this Act and the regulations;
- (h) to exercise such powers and perform such duties as are conferred or imposed upon it by or under this or any other Act; and
- (i) to perform such other functions and discharge such other duties as are assigned to it from time to time by the Lieutenant Governor in Council.

**5.—**(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations establishing, amending and revoking voluntary plans for the insurance within Ontario of insurable crops, and governing the terms and conditions of insurance under any plan, and, without restricting the generality of the foregoing,

Regulations  
by  
Commission

- (a) designating perils for the purposes of any plan;
- (b) determining coverage and establishing values with respect to insurable crops for the purposes of any plan;
- (c) fixing premium rates and providing for the payment and collection of premiums in respect of any plan;
- (d) prescribing forms and providing for their use, and requiring any information given in a form to be verified by statutory declaration;
- (e) fixing a final date in each year for the receipt of applications for crop insurance under any plan;
- (f) requiring applicants for crop insurance and insured persons to furnish such information, statements and reports as are prescribed;
- (g) designating insurable persons for the purposes of any plan.

(2) A plan may apply to one or more insurable crops, and the plan or any provisions thereof may apply to all of Ontario or to any area within Ontario.

Application  
of  
regulations

**6.—**(1) The Lieutenant Governor in Council may make regulations,

Regulations  
by  
Lieutenant  
Governor  
in Council

- (a) designating any agricultural crop as an insurable crop;
- (b) providing for the appointment of arbitrators, determining the constitution of boards of arbitration and regulating the practice and procedure of such arbitrators or boards of arbitration;
- (c) providing for the arbitration by an arbitrator or by a board of arbitration of disputes arising out of the adjustment of losses;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Decision of  
arbitrator or  
board of  
arbitration  
final

(2) The decision of an arbitrator or a board of arbitration under the regulations is final.

Payment  
of premiums

**7.**—(1) All moneys required by this Act to be paid in respect of premiums under plans and all moneys due under agreements of re-insurance shall be paid to the Commission.

Subsidy

(2) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to pay to the Commission out of the Consolidated Revenue Fund a sum equivalent to such percentage of the premiums payable under any plan or plans as the Lieutenant Governor in Council determines.

Advances

**8.** If at any time the amount standing to the credit of the Fund is insufficient for the purpose of making payments for claims under plans, the Lieutenant Governor in Council may authorize the Treasurer of Ontario to advance to the Commission out of the Consolidated Revenue Fund such sums as are necessary to meet the deficit on such terms and conditions as the Lieutenant Governor in Council directs.

Ontario  
Crop  
Insurance  
Fund

**9.**—(1) The Commission shall establish and maintain in a chartered bank a fund, to be known as the Ontario Crop Insurance Fund, to which shall be credited the moneys received by the Commission under sections 7 and 8.

Payments  
out of  
Fund

(2) The Commission shall pay out of the Fund all moneys required for,

- (a) the payment of claims under plans;
- (b) the payment of premiums for re-insurance; and
- (c) the repayment of advances made under section 8.

**10.** The Commission may pay into the Consolidated Revenue Fund any surplus moneys in the Fund that are not necessary for the current requirements of the Commission, and section 24 of *The Financial Administration Act* applies thereto. <sup>Surplus</sup> R.S.O. 1960, c. 142

**11.** The accounts and financial transactions of the Commission shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Commission and to the Minister. <sup>Audit</sup>

**12.—(1)** The Commission shall make an annual report of the affairs of the Commission to the Minister. <sup>Annual report</sup>

(2) The Minister shall submit the annual report to the Lieutenant Governor in Council and shall then lay the report before the Legislative Assembly if it is in session or, if not, at the next ensuing session. <sup>Tabling</sup>

**13.—(1)** The Minister may, with the approval of the Lieutenant Governor in Council, enter into an agreement with the Government of Canada as provided for in the *Crop Insurance Act* (Canada). <sup>Agreements with Canada</sup> 1959, c. 42 (Can.)

(2) Notwithstanding anything in this Act, no crop insurance plan shall be established unless an agreement made under subsection 1 applies to the plan. <sup>Extent of plans</sup>

**14.** *The Insurance Act* does not apply to any matter or thing done by or under this Act. <sup>R.S.O. 1960, c. 190, does not apply</sup>

**15.** The moneys required for the purposes of administering this Act shall, until the 31st day of March, 1967, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. <sup>Moneys</sup>

**16.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commencement</sup>

**17.** This Act may be cited as *The Crop Insurance Act* (Ontario), 1966. <sup>Short title</sup>

---

*1st Reading*

May 12th, 1966

*2nd Reading*

*3rd Reading*

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MR. STEWART

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# **BILL 112**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to provide for Crop Insurance**

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**MR. STEWART**

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The first part of the paper  
 is devoted to a general  
 introduction of the subject.  
 The second part contains  
 a detailed description of the  
 experimental apparatus and  
 the results of the experiments.  
 The third part discusses the  
 theoretical aspects of the  
 problem and compares the  
 experimental results with the  
 theoretical predictions.

The author wishes to  
 express his appreciation to  
 the National Science  
 Foundation for the support  
 of this work.

# BILL 112 1966

## An Act to provide for Crop Insurance

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act, Interpretation

- (a) "Commission" means The Crop Insurance Commission of Ontario;
- (b) "contract of insurance" means a contract of insurance under a plan;
- (c) "Fund" means the Ontario Crop Insurance Fund;
- (d) "insurable crop" means an agricultural crop designated as an insurable crop by the regulations;
- (e) "Minister" means the Minister of Agriculture and Food;
- (f) "plan" means a plan of crop insurance established by the regulations;
- (g) "regulations" means the regulations made under this Act.

**2.—(1)** There is hereby established a commission, to be known as The Crop Insurance Commission of Ontario, which shall be a corporation without share capital responsible to the Minister. Crop Insurance Commission of Ontario established

(2) The Commission shall be composed of not fewer than five members who shall be appointed by the Lieutenant Governor in Council. Composition

(3) The Lieutenant Governor in Council may designate one of the members of the Commission as chairman and one as vice-chairman. Chairman and vice-chairman

- Quorum (4) Three members of the Commission, of whom one shall be the chairman or the vice-chairman, constitute a quorum.
- Remuneration (5) Such members of the Commission as are not officers in the public service of Ontario shall receive such remuneration and expenses as the Lieutenant Governor in Council from time to time determines.
- Liability (6) No member of the Commission and no officer or other employee of the Commission is personally liable for anything done by him in good faith under or purporting to be under the authority of this Act or the regulations.
- R.S.O. 1960, c. 71, does not apply (7) *The Corporations Act* does not apply to the Commission.
- General manager and staff 3.—(1) A general manager of the Commission and such other officers, clerks and servants as are deemed necessary from time to time for the proper conduct of the business of the Commission may be appointed under *The Public Service Act, 1961-62*.
- 1961-62, c. 121
- Duties of general manager (2) The general manager of the Commission shall be the chief administrative officer of the Commission, and the Commission may delegate to the general manager such of its powers and duties under this Act as it deems advisable.
- Professional assistance (3) The Commission may engage persons other than those appointed under subsection 1 to provide professional, technical or other assistance to or on behalf of the Commission.
- Functions of Commission 4. It is the function of the Commission and it has power,
- (a) to administer plans of crop insurance established by the regulations;
  - (b) to conduct surveys and research programmes relating to crop insurance and to obtain statistics for the purposes of the Commission;
  - (c) to evaluate losses and pay claims under plans of crop insurance;
  - (d) to enter into agreements with or retain persons for the soliciting and receiving of applications for insurance, the collecting of premiums and the adjusting of claims under plans for and on behalf of the Commission, and the doing of such other things on its behalf as the Commission deems necessary;
  - (e) to re-insure with any other insurer the risk or any portion thereof under its contracts of insurance under any plan;

- (f) to require an applicant for crop insurance or an insured person to furnish such information, statements and reports as the Commission requires from time to time;
- (g) to administer this Act and the regulations;
- (h) to exercise such powers and perform such duties as are conferred or imposed upon it by or under this or any other Act; and
- (i) to perform such other functions and discharge such other duties as are assigned to it from time to time by the Lieutenant Governor in Council.

**5.—**(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations establishing, amending and revoking voluntary plans for the insurance within Ontario of insurable crops, and governing the terms and conditions of insurance under any plan, and, without restricting the generality of the foregoing,

- (a) designating perils for the purposes of any plan;
- (b) determining coverage and establishing values with respect to insurable crops for the purposes of any plan;
- (c) fixing premium rates and providing for the payment and collection of premiums in respect of any plan;
- (d) prescribing forms and providing for their use, and requiring any information given in a form to be verified by statutory declaration;
- (e) fixing a final date in each year for the receipt of applications for crop insurance under any plan;
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- (g) designating insurable persons for the purposes of any plan.

(2) A plan may apply to one or more insurable crops, and the plan or any provisions thereof may apply to all of Ontario or to any area within Ontario.

**6.—**(1) The Lieutenant Governor in Council may make regulations,

Regulations  
by  
Lieutenant  
Governor  
in Council



- (a) designating any agricultural crop as an insurable crop;
- (b) providing for the appointment of arbitrators, determining the constitution of boards of arbitration and regulating the practice and procedure of such arbitrators or boards of arbitration;
- (c) providing for the arbitration by an arbitrator or by a board of arbitration of disputes arising out of the adjustment of losses;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Decision of  
arbitrator or  
board of  
arbitration  
final

(2) The decision of an arbitrator or a board of arbitration under the regulations is final.

Payment  
of premiums

**7.**—(1) All moneys required by this Act to be paid in respect of premiums under plans and all moneys due under agreements of re-insurance shall be paid to the Commission.

Subsidy

(2) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to pay to the Commission out of the Consolidated Revenue Fund a sum equivalent to such percentage of the premiums payable under any plan or plans as the Lieutenant Governor in Council determines.

Advances

**8.** If at any time the amount standing to the credit of the Fund is insufficient for the purpose of making payments for claims under plans, the Lieutenant Governor in Council may authorize the Treasurer of Ontario to advance to the Commission out of the Consolidated Revenue Fund such sums as are necessary to meet the deficit on such terms and conditions as the Lieutenant Governor in Council directs.

Ontario  
Crop  
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**9.**—(1) The Commission shall establish and maintain in a chartered bank a fund, to be known as the Ontario Crop Insurance Fund, to which shall be credited the moneys received by the Commission under sections 7 and 8.

Payments  
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Fund

(2) The Commission shall pay out of the Fund all moneys required for,

- (a) the payment of claims under plans;
- (b) the payment of premiums for re-insurance; and
- (c) the repayment of advances made under section 8.



**10.** The Commission may pay into the Consolidated Revenue Fund any surplus moneys in the Fund that are not necessary for the current requirements of the Commission, and section 24 of *The Financial Administration Act* applies thereto. Surplus  
R.S.O. 1960,  
c. 142

**11.** The accounts and financial transactions of the Commission shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Commission and to the Minister. Audit

**12.—**(1) The Commission shall make an annual report of the affairs of the Commission to the Minister. Annual  
report

(2) The Minister shall submit the annual report to the Lieutenant Governor in Council and shall then lay the report before the Legislative Assembly if it is in session or, if not, at the next ensuing session. Tabling

**13.—**(1) The Minister may, with the approval of the Lieutenant Governor in Council, enter into an agreement with the Government of Canada as provided for in the *Crop Insurance Act* (Canada). Agreements  
with  
Canada  
1959,  
c. 42 (Can.)

(2) Notwithstanding anything in this Act, no crop insurance plan shall be established unless an agreement made under subsection 1 applies to the plan. Extent of  
plans

**14.** *The Insurance Act* does not apply to any matter or thing done by or under this Act. R.S.O. 1960,  
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apply

**15.** The moneys required for the purposes of administering this Act shall, until the 31st day of March, 1967, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. Moneys

**16.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

**17.** This Act may be cited as *The Crop Insurance Act* (Ontario), 1966. Short title

---

*1st Reading*

May 12th, 1966

*2nd Reading*

May 18th, 1966

*3rd Reading*

June 29th, 1966

---

MR. STEWART

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# **BILL 113**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

---

## **An Act to amend The Department of Agriculture Act**

---

**MR. STEWART**

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#### EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment authorizes the guarantee by Ontario of loans to farmers up to \$1,000 for replanting after crop losses due to adverse weather.

Subsection 2. The new provision authorizes the payment by Ontario of the interest on loans guaranteed by Ontario under the new clause *c* of subsection 1 of section 5*b* as added by subsection 1.

SECTION 2. Provision is made for the payment of moneys required under the new subsection 1*a* of section 5*b* during the fiscal year 1966-67.

BILL 113

1966

## An Act to amend The Department of Agriculture Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 5b of *The Department of Agriculture Act*, as re-enacted by section 1 of *The Department of Agriculture Amendment Act, 1965*, is amended by adding thereto the following clause:

R.S.O. 1960,  
c. 92, s. 5b  
(1965, c. 27,  
s. 1),  
subs. 1,  
amended

- (c) the principal sum of \$1,000 together with interest thereon made to farmers who incur crop losses occasioned by adverse weather in any year for the purpose of purchasing seed, plants or fertilizer in the next year.

(2) The said section 5b is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 92, s. 5b  
(1965, c. 27,  
s. 1),  
amended

- (1a) Where a guarantee is given under clause c of subsection 1, the Lieutenant Governor in Council may, upon the recommendation of the Minister, authorize the payment by the Province of Ontario of the whole or any part of the interest on the loan for the whole or any part of the term of the guarantee.

Payment of  
interest by  
Ontario

2. Payments of interest made under subsection 1a of section 5b of *The Department of Agriculture Act*, as enacted by subsection 1 of section 1, during the fiscal year ending on the 31st day of March, 1967, shall be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Moneys

3. This Act shall be deemed to have come into force on the 1st day of April, 1966.

Commence-  
ment

4. This Act may be cited as *The Department of Agriculture Amendment Act, 1966* (No. 2).

Short title



An Act to amend  
The Department of Agriculture Act

---

*1st Reading*

May 18th, 1966

*2nd Reading*

*3rd Reading*

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MR. STEWART

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# **BILL 113**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Department of Agriculture Act**

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**MR. STEWART**

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*(Reprinted as amended by the Committee on Agriculture)*

#### EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment authorizes the guarantee by Ontario of loans to farmers up to \$1,000 for replanting after crop losses due to adverse weather.

Subsection 2. The new provision authorizes the payment by Ontario of the interest on loans guaranteed by Ontario under the new clause *c* of subsection 1 of section 5*b* as added by subsection 1.

SECTION 2. Provision is made for the payment of moneys required under the new subsection 1*a* of section 5*b* during the fiscal year 1966-67.

BILL 113

1966

## An Act to amend The Department of Agriculture Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 5*b* of *The Department of Agriculture Act*, as re-enacted by section 1 of *The Department of Agriculture Amendment Act, 1965*, is amended by adding thereto the following clause:

R.S.O. 1960,  
c. 92, s. 5*b*  
(1965, c. 27,  
s. 1),  
subs. 1,  
amended

- (c) the principal sum of \$1,000 together with interest thereon made to farmers who incur crop losses occasioned by adverse weather in any year for the purpose of purchasing seed, plants, insecticide materials, herbicide materials, agricultural limestone or fertilizer in the next year.

(2) The said section 5*b* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 92, s. 5*b*  
(1965, c. 27,  
s. 1),  
amended

- (1*a*) Where a guarantee is given under clause *c* of subsection 1, the Lieutenant Governor in Council may, upon the recommendation of the Minister, authorize the payment by the Province of Ontario of the whole or any part of the interest on the loan for the whole or any part of the term of the guarantee.

Payment of  
interest by  
Ontario

2. Payments of interest made under subsection 1*a* of section 5*b* of *The Department of Agriculture Act*, as enacted by subsection 1 of section 1, during the fiscal year ending on the 31st day of March, 1967, shall be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Moneys

3. This Act shall be deemed to have come into force on the 1st day of April, 1966.

Commence-  
ment

4. This Act may be cited as *The Department of Agriculture Amendment Act, 1966* (No. 2).

Short title

An Act to amend  
The Department of Agriculture Act

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*1st Reading*

May 18th, 1966

*2nd Reading*

June 1st, 1966

*3rd Reading*

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MR. STEWART

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(Reprinted as amended by  
the Committee on Agriculture)



# **BILL 113**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Department of Agriculture Act**

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**MR. STEWART**

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**TORONTO**

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THE UNIVERSITY OF CHICAGO

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BILL 113

1966

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1.—(1) Subsection 1 of section 5b of *The Department of Agriculture Act*, as re-enacted by section 1 of *The Department of Agriculture Amendment Act, 1965*, is amended by adding thereto the following clause:

R.S.O. 1960,  
c. 92, s. 5b  
(1965, c. 27,  
s. 1),  
subs. 1,  
amended

- (c) the principal sum of \$1,000 together with interest thereon made to farmers who incur crop losses occasioned by adverse weather in any year for the purpose of purchasing seed, plants, insecticide materials, herbicide materials, agricultural limestone or fertilizer in the next year.

(2) The said section 5b is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 92, s. 5b  
(1965, c. 27,  
s. 1),  
amended

- (1a) Where a guarantee is given under clause c of subsection 1, the Lieutenant Governor in Council may, upon the recommendation of the Minister, authorize the payment by the Province of Ontario of the whole or any part of the interest on the loan for the whole or any part of the term of the guarantee.

Payment of  
interest by  
Ontario

2. Payments of interest made under subsection 1a of section 5b of *The Department of Agriculture Act*, as enacted by subsection 1 of section 1, during the fiscal year ending on the 31st day of March, 1967, shall be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Moneys

3. This Act shall be deemed to have come into force on the 1st day of April, 1966.

Commence-  
ment

4. This Act may be cited as *The Department of Agriculture Amendment Act, 1966 (No. 2)*.

Short title

An Act to amend  
The Department of Agriculture Act

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*1st Reading*

May 18th, 1966

*2nd Reading*

June 1st, 1966

*3rd Reading*

June 29th, 1966

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MR. STEWART

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# **BILL 114**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

---

## **An Act to amend The Edible Oil Products Act**

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**MR. STEWART**

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#### EXPLANATORY NOTES

SECTION 1. The amendment is complementary to Bill 24, which changed the name of the Department of Agriculture to the Department of Agriculture and Food.

SECTION 2. The authority to make regulations respecting the labelling of containers is expanded to include other means of identifying edible oil products being sold or offered for sale.

BILL 114

1966

## An Act to amend The Edible Oil Products Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Edible Oil Products Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 115, s. 1,  
cl. *e*,  
re-enacted

(*e*) "Minister" means the Minister of Agriculture and Food.

2.—(1) Clause *e* of section 7 of *The Edible Oil Products Act* is amended by striking out "and the labelling of containers" in the first and second lines, so that the clause shall read as follows: R.S.O. 1960,  
c. 115, s. 7,  
cl. *e*,  
amended

(*e*) respecting the advertising of any edible oil product or class of edible oil product.

(2) The said section 7 is amended by adding thereto the following clause: R.S.O. 1960,  
c. 115, s. 7,  
amended

(*ea*) requiring and providing for the identification by labelling or otherwise of any edible oil product or class of edible oil product sold or offered for sale.

3. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

4. This Act may be cited as *The Edible Oil Products Amendment Act, 1966*. Short title

AMENDMENT  
The Edible Oil Products Act

---

*1st Reading*

May 18th, 1966

*2nd Reading*

*3rd Reading*

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MR. STEWART

---

# **BILL 114**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Edible Oil Products Act**

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**MR. STEWART**

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THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO



BILL 114

1966

## An Act to amend The Edible Oil Products Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Edible Oil Products Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 115, s. 1,  
cl. *e*,  
re-enacted

(*e*) "Minister" means the Minister of Agriculture and Food.

2.—(1) Clause *e* of section 7 of *The Edible Oil Products Act* is amended by striking out "and the labelling of containers" in the first and second lines, so that the clause shall read as follows: R.S.O. 1960,  
c. 115, s. 7,  
cl. *e*,  
amended

(*e*) respecting the advertising of any edible oil product or class of edible oil product.

(2) The said section 7 is amended by adding thereto the following clause: R.S.O. 1960,  
c. 115, s. 7,  
amended

(*ea*) requiring and providing for the identification by labelling or otherwise of any edible oil product or class of edible oil product sold or offered for sale.

3. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

4. This Act may be cited as *The Edible Oil Products Amendment Act, 1966*. Short title

*An Act to amend*  
The Edible Oil Products Act

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*1st Reading*

May 18th, 1966

*2nd Reading*

June 1st, 1966

*3rd Reading*

June 29th, 1966

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MR. STEWART

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# BILL 115

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## An Act respecting Abandoned Orchards

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MR. STEWART

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#### EXPLANATORY NOTE

The Bill provides procedures for identifying neglected orchards within 300 yards of commercial orchards and requires their destruction if they have not produced fruit commercially for two years.

**BILL 115** **1966**

**An Act respecting Abandoned Orchards**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1)** In this Act,

Interpre-  
tation

(a) “abandoned orchard” means an orchard,

(i) the fruit of which has not been produced for sale for human consumption for two consecutive growing seasons, and

(ii) that has been designated by a certificate of the Provincial Entomologist as a neglected orchard;

(b) “Director” means the Director appointed under this Act;

(c) “fruit tree disease” means any disease or injury of a fruit tree that is caused by an insect, virus, fungus, bacterium or other organism;

(d) “fruit trees” means,

(i) apple trees,

(ii) cherry trees,

(iii) grape vines,

(iv) peach trees,

(v) pear trees,

(vi) plum trees, and

(vii) such other fruit-producing trees, shrubs or vines as are designated in the regulations;



- (e) "inspector" means an inspector appointed under this Act;
- (f) "orchard" means an area of land of at least one-half acre on which there are at least thirteen fruit trees and on which the number of fruit trees bears a proportion to the area of at least twenty-six fruit trees per acre;
- (g) "owner" means the person shown as the owner of the property on the last revised assessment roll of the municipality in which the property is located;
- (h) "Provincial Entomologist" means the Provincial Entomologist for Orchards appointed under this Act;
- (i) "regulations" means the regulations made under this Act.

**Application**      (2) This Act applies only to orchards any part of which is closer than 300 yards to an orchard that is used for the commercial production of fruit and that does not come within the application of section 4.

**Administration of Act**      **2.** The Lieutenant Governor in Council may appoint a Director to administer this Act, and may appoint a Provincial Entomologist for Orchards and one or more inspectors who shall carry out such duties as are assigned to them by this Act or the regulations or by the Director.

**Inspection**      **3.**—(1) An inspector or the Provincial Entomologist may, between sunrise and sunset, for the purpose of making an inspection, enter any orchard or any premises in which he has reason to believe there is an orchard.

**Idem**      (2) No person shall hinder or obstruct an inspector or the Provincial Entomologist in the course of his duties or furnish him with false information or refuse to furnish him with information.

**Designation of neglected orchards**      **4.**—(1) Where, on the basis of his own inspection or on the basis of a report from an inspector, the Provincial Entomologist is of the opinion that a majority of the fruit trees in an orchard,

(a) are infected with any fruit tree disease;

(b) are affected by such other conditions as are designated in the regulations;

(c) have not been properly pruned, sprayed or treated with chemicals; or

(d) have not otherwise been properly maintained,

so as to seriously affect at that time the ability of the fruit trees in the orchard to produce fruit commercially, he may designate the orchard, by a certificate, as a neglected orchard.

(2) Every certificate shall be served,

Service of  
certificate

(a) upon the owner by personal service or by mailing a copy of the certificate by prepaid mail addressed to the owner at his address shown on the last revised assessment roll; and

(b) after effecting service under clause *a*, by posting a copy of the certificate in a conspicuous place in the orchard to which the certificate applies.

**5.** The Provincial Entomologist may, at any time, revoke a certificate made under section 4.

Revocation  
of  
certificate

**6.**—(1) Where the owner of or any person having an interest in an orchard deems himself aggrieved by a certificate of the Provincial Entomologist designating the orchard as a neglected orchard under section 4, he may appeal against the certificate by delivering a notice of appeal to the Provincial Entomologist within fifteen days after service of the certificate under clause *b* of subsection 2 of section 4.

Appeal

(2) Upon receipt of a notice of appeal, the Provincial Entomologist shall, after a hearing, confirm or revoke the certificate appealed against and shall notify the appellant of his decision by prepaid mail.

Idem

**7.** Every person who is the owner of an abandoned orchard shall destroy,

Destruction  
of  
abandoned  
orchards

(a) all fruit trees in the orchard; and

(b) such other trees, shrubs or vines, present in the orchard, as are designated in the regulations.

**8.**—(1) Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Penalty

(2) A person who is convicted of a contravention of section 7 is liable on summary conviction to a further fine of \$25 for each day the contravention continues after conviction.

Idem

**Regulations**     **9.** The Lieutenant Governor in Council may make regulations,

- (a) respecting the issuance and revocation of certificates;
- (b) prescribing the duties of the Director, the Provincial Entomologist and inspectors;
- (c) designating fruit-producing trees, shrubs or vines as fruit trees for the purpose of clause *d* of subsection 1 of section 1;
- (d) designating conditions affecting fruit trees for the purposes of section 4;
- (e) designating trees, shrubs or vines for the purposes of section 7;
- (f) prescribing forms and providing for their use;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**Commence-  
ment**             **10.** This Act comes into force on the day it receives Royal Assent.

**Short title**        **11.** This Act may be cited as *The Abandoned Orchards Act, 1966*.



An Act respecting Abandoned Orchards

---

*1st Reading*

May 18th, 1966

*2nd Reading*

*3rd Reading*

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MR. STEWART

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# **BILL 115**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act respecting Abandoned Orchards**

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**MR. STEWART**

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## An Act respecting Abandoned Orchards

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-  
tation

(a) “abandoned orchard” means an orchard,

(i) the fruit of which has not been produced for sale for human consumption for two consecutive growing seasons, and

(ii) that has been designated by a certificate of the Provincial Entomologist as a neglected orchard;

(b) “Director” means the Director appointed under this Act;

(c) “fruit tree disease” means any disease or injury of a fruit tree that is caused by an insect, virus, fungus, bacterium or other organism;

(d) “fruit trees” means,

(i) apple trees,

(ii) cherry trees,

(iii) grape vines,

(iv) peach trees,

(v) pear trees,

(vi) plum trees, and

(vii) such other fruit-producing trees, shrubs or vines as are designated in the regulations;

- (e) "inspector" means an inspector appointed under this Act;
- (f) "orchard" means an area of land of at least one-half acre on which there are at least thirteen fruit trees and on which the number of fruit trees bears a proportion to the area of at least twenty-six fruit trees per acre;
- (g) "owner" means the person shown as the owner of the property on the last revised assessment roll of the municipality in which the property is located;
- (h) "Provincial Entomologist" means the Provincial Entomologist for Orchards appointed under this Act;
- (i) "regulations" means the regulations made under this Act.

## Application

(2) This Act applies only to orchards any part of which is closer than 300 yards to an orchard that is used for the commercial production of fruit and that does not come within the application of section 4.

## Administration of Act

**2.** The Lieutenant Governor in Council may appoint a Director to administer this Act, and may appoint a Provincial Entomologist for Orchards and one or more inspectors who shall carry out such duties as are assigned to them by this Act or the regulations or by the Director.

## Inspection

**3.—**(1) An inspector or the Provincial Entomologist may, between sunrise and sunset, for the purpose of making an inspection, enter any orchard or any premises in which he has reason to believe there is an orchard.

## Idem

(2) No person shall hinder or obstruct an inspector or the Provincial Entomologist in the course of his duties or furnish him with false information or refuse to furnish him with information.

## Designation of neglected orchards

**4.—**(1) Where, on the basis of his own inspection or on the basis of a report from an inspector, the Provincial Entomologist is of the opinion that a majority of the fruit trees in an orchard,

(a) are infected with any fruit tree disease;

(b) are affected by such other conditions as are designated in the regulations;

(c) have not been properly pruned, sprayed or treated with chemicals; or

(d) have not otherwise been properly maintained,

so as to seriously affect at that time the ability of the fruit trees in the orchard to produce fruit commercially, he may designate the orchard, by a certificate, as a neglected orchard.

(2) Every certificate shall be served,

Service of  
certificate

(a) upon the owner by personal service or by mailing a copy of the certificate by prepaid mail addressed to the owner at his address shown on the last revised assessment roll; and

(b) after effecting service under clause *a*, by posting a copy of the certificate in a conspicuous place in the orchard to which the certificate applies.

5. The Provincial Entomologist may, at any time, revoke a certificate made under section 4.

Revocation  
of  
certificate

6.—(1) Where the owner of or any person having an interest in an orchard deems himself aggrieved by a certificate of the Provincial Entomologist designating the orchard as a neglected orchard under section 4, he may appeal against the certificate by delivering a notice of appeal to the Provincial Entomologist within fifteen days after service of the certificate under clause *b* of subsection 2 of section 4.

Appeal

(2) Upon receipt of a notice of appeal, the Provincial Entomologist shall, after a hearing, confirm or revoke the certificate appealed against and shall notify the appellant of his decision by prepaid mail.

Idem

7. Every person who is the owner of an abandoned orchard shall destroy,

Destruction  
of  
abandoned  
orchards

(a) all fruit trees in the orchard; and

(b) such other trees, shrubs or vines, present in the orchard, as are designated in the regulations.

8.—(1) Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Penalty

(2) A person who is convicted of a contravention of section 7 is liable on summary conviction to a further fine of \$25 for each day the contravention continues after conviction.

Idem



**Regulations**     **9.** The Lieutenant Governor in Council may make regulations,

- (a) respecting the issuance and revocation of certificates;
- (b) prescribing the duties of the Director, the Provincial Entomologist and inspectors;
- (c) designating fruit-producing trees, shrubs or vines as fruit trees for the purpose of clause *d* of subsection 1 of section 1;
- (d) designating conditions affecting fruit trees for the purposes of section 4;
- (e) designating trees, shrubs or vines for the purposes of section 7;
- (f) prescribing forms and providing for their use;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**Commence-  
ment**             **10.** This Act comes into force on the day it receives Royal Assent.

**Short title**       **11.** This Act may be cited as *The Abandoned Orchards Act, 1966*.



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*1st Reading*

May 18th, 1966

*2nd Reading*

June 1st, 1966

*3rd Reading*

June 23rd, 1966

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MR. STEWART

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# **BILL 116**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Highway Traffic Act**

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**MR. YOUNG**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

#### EXPLANATORY NOTE

The purpose of the amendment is to provide for the establishment of uniform standards for quality, grading and manufacture of tires sold for motor vehicles and for safe use.



## An Act to amend The Highway Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 172,  
amended

37a.—(1) The Lieutenant Governor in Council may make regulations, Regulations  
governing  
tires

- (a) prescribing the specifications for the manufacture of tires for motor vehicles;
  - (b) requiring and providing for the testing and approval of each make, brand, model and size of tires by such testing agencies as are designated, and the affixing to tires of evidence of the approval;
  - (c) establishing grades of tires relating to their performance and requiring the affixing to each tire of the grade for which it is approved;
  - (d) prescribing the conditions and limitations that shall apply to the use of tires or any class thereof for the purposes of safety.
- (2) On and after the 1st day of January, 1968, no person shall sell or offer for sale tires for motor vehicles that do not bear evidence of approval affixed in accordance with the regulations made under subsection 1, whether or not the tires are affixed to a motor vehicle that is sold or offered for sale. Sale of  
tires
- (3) Any person who contravenes subsection 2 or any regulation made under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 or to imprisonment for a term of not more than thirty days, or to both. Penalty

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Highway Traffic Amendment Act, 1966*.









An Act to amend The Highway Traffic Act

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*1st Reading*

May 19th, 1966

*2nd Reading*

*3rd Reading*

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MR. YOUNG

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# **BILL 117**

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

## **An Act to amend The Marriage Act**

**MR. YAREMKO**

**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

#### EXPLANATORY NOTE

The amendment provides for the appointment of an issuer of marriage licences in Indian bands.

BILL 117

1966

## An Act to amend the Marriage Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Marriage Act* is amended by relettering <sup>R.S.O. 1960, c. 228, s. 1, amended</sup> clause *a* as clause *aa* and by adding thereto the following clause:

(a) "band" means a band as defined in the *Indian Act* <sup>R.S.C. 1952, c. 149</sup> (Canada).

2. Subsection 2 of section 30 of *The Marriage Act* is amended <sup>R.S.O. 1960, c. 228, s. 30, subs. 2, amended</sup> by adding at the end thereof "or a member of a band upon the recommendation of the council of the band", so that the subsection shall read as follows:

(2) Where it is deemed expedient for the public con- <sup>In town-</sup>  
venience, the Lieutenant Governor in Council may <sup>ships and</sup>  
appoint as an issuer the clerk of any township, or <sup>unorganized</sup>  
any person resident in the Provisional County of <sup>territory</sup>  
Haliburton, or in a township adjacent thereto, or  
in a provisional judicial district, or a member of a  
band upon the recommendation of the council of the  
band.

3. This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent. <sup>ment</sup>

4. This Act may be cited as *The Marriage Amendment* <sup>Short title</sup>  
*Act, 1966.*

An Act to amend The Marriage Act

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*1st Reading*

May 20th, 1966

*2nd Reading*

*3rd Reading*

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MR. YAREMKO

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# **BILL 117**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Marriage Act**

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**MR. YAREMKO**

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BILL 117

1966

## An Act to amend the Marriage Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Marriage Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: R.S.O. 1960,  
c. 228, s. 1,  
amended

(a) "band" means a band as defined in the *Indian Act* (Canada). R.S.C. 1952,  
c. 149

2. Subsection 2 of section 30 of *The Marriage Act* is amended by adding at the end thereof "or a member of a band upon the recommendation of the council of the band", so that the subsection shall read as follows: R.S.O. 1960,  
c. 228, s. 30,  
subs. 2,  
amended

(2) Where it is deemed expedient for the public convenience, the Lieutenant Governor in Council may appoint as an issuer the clerk of any township, or any person resident in the Provisional County of Haliburton, or in a township adjacent thereto, or in a provisional judicial district, or a member of a band upon the recommendation of the council of the band. In town-  
ships and  
unorganized  
territory

3. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

4. This Act may be cited as *The Marriage Amendment Act, 1966*. Short title

An Act to amend The Marriage Act

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*1st Reading*

May 20th, 1966

*2nd Reading*

June 1st, 1966

*3rd Reading*

June 15th, 1966

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MR. YAREMKO

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# **BILL 118**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Artificial Insemination of Cattle Act, 1962-63**

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**MR. STEWART**

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#### EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment is complementary to Bill 24, which changed the name of the Department of Agriculture to the Department of Agriculture and Food.

Subsection 2. The definition of veterinarian is deleted as the term is not used in the Act as amended by this Bill.

SECTION 2. The new provision permits licences to be restricted as to an area.

SECTION 3. The provision is re-enacted for clarification and removes the authorization for a veterinarian to use semen obtained from a source other than a licensed semen-producing business.

## An Act to amend The Artificial Insemination of Cattle Act, 1962-63

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *f* of section 1 of *The Artificial Insemination of Cattle Act, 1962-63* is repealed and the following substituted therefor: 1962-63,  
c. 5, s. 1,  
cl. *f*,  
re-enacted

(*f*) "Minister" means the Minister of Agriculture and Food.

(2) Clause *i* of the said section 1 is repealed.

1962-63,  
c. 5, s. 1,  
cl. *i*,  
repealed

**2.** *The Artificial Insemination of Cattle Act, 1962-63* is amended by adding thereto the following section: 1962-63,  
c. 5,  
amended

**7a.** A licence may be issued to engage in an inseminating business or to act as an inseminator throughout Ontario or in such part thereof as is determined by the Commissioner and specified in the licence. Territorial  
restrictions

**3.** Section 9 of *The Artificial Insemination of Cattle Act, 1962-63* is repealed and the following substituted therefor: 1962-63,  
c. 5, s. 9,  
re-enacted

**9.**—(1) No person shall use semen for the purpose of artificial insemination other than semen purchased or otherwise acquired from a licensed semen-producing business. Semen to be  
obtained  
from  
licensed  
producer

(2) No person licensed to engage in a semen-producing business shall sell or otherwise dispose of semen for the purpose of artificial insemination other than semen produced in Ontario by a bull maintained by a licensed semen-producing business. Sale of  
semen

(3) Notwithstanding subsections 1 and 2, the Commissioner may authorize in writing, Exceptions

- (a) the use for the purpose of artificial insemination of semen that is not purchased or acquired from a licensed semen-producing business; or
- (b) the sale or disposition for the purpose of artificial insemination of semen that is not produced in Ontario by a bull maintained by a licensed semen-producing business.

1962-63,  
c. 5, s. 10,  
amended

**4.** Section 10 of *The Artificial Insemination of Cattle Act, 1962-63* is amended by adding thereto the following clause:

- (la) governing the advertising of semen and the furnishing of information to the public by any person licensed under this Act.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Artificial Insemination of Cattle Amendment Act, 1966*.

SECTION 4. The new clause is added to the regulations section and is self-explanatory.







An Act to amend The Artificial  
Insemination of Cattle Act, 1962-63

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*1st Reading*

May 24th, 1966

*2nd Reading*

*3rd Reading*

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MR. STEWART

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# **BILL 118**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Artificial Insemination of Cattle Act, 1962-63**

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**MR. STEWART**

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BILL 118

1966

## An Act to amend The Artificial Insemination of Cattle Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *f* of section 1 of *The Artificial Insemination of Cattle Act, 1962-63* is repealed and the following substituted therefor: 1962-63,  
c. 5, s. 1,  
cl. *f*,  
re-enacted

(f) "Minister" means the Minister of Agriculture and Food.

(2) Clause *i* of the said section 1 is repealed.

1962-63,  
c. 5, s. 1,  
cl. *i*,  
repealed

2. *The Artificial Insemination of Cattle Act, 1962-63* is amended by adding thereto the following section: 1962-63,  
c. 5,  
amended

7a. A licence may be issued to engage in an inseminating business or to act as an inseminator throughout Ontario or in such part thereof as is determined by the Commissioner and specified in the licence. Territorial  
restrictions

3. Section 9 of *The Artificial Insemination of Cattle Act, 1962-63* is repealed and the following substituted therefor: 1962-63,  
c. 5, s. 9,  
re-enacted

9.—(1) No person shall use semen for the purpose of artificial insemination other than semen purchased or otherwise acquired from a licensed semen-producing business. Semen to be  
obtained  
from  
licensed  
producer

(2) No person licensed to engage in a semen-producing business shall sell or otherwise dispose of semen for the purpose of artificial insemination other than semen produced in Ontario by a bull maintained by a licensed semen-producing business. Sale of  
semen

(3) Notwithstanding subsections 1 and 2, the Commissioner may authorize in writing, Exceptions



- (a) the use for the purpose of artificial insemination of semen that is not purchased or acquired from a licensed semen-producing business; or
- (b) the sale or disposition for the purpose of artificial insemination of semen that is not produced in Ontario by a bull maintained by a licensed semen-producing business.

1962-63,  
c. 5, s. 10,  
amended

**4.** Section 10 of *The Artificial Insemination of Cattle Act, 1962-63* is amended by adding thereto the following clause:

- (la) governing the advertising of semen and the furnishing of information to the public by any person licensed under this Act.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Artificial Insemination of Cattle Amendment Act, 1966*.







An Act to amend The Artificial  
Insemination of Cattle Act, 1962-63

---

*1st Reading*

May 24th, 1966

*2nd Reading*

June 1st, 1966

*3rd Reading*

June 23rd, 1966

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MR. STEWART

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# **BILL 119**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Plant Diseases Act**

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**MR. STEWART**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

#### EXPLANATORY NOTES

SECTION 1. The re-enactment of clause *c* is for greater certainty that the use of the word "inspector" includes municipal inspectors. The re-enactment of clause *d* is complementary to Bill 24, which changed the name of the Department of Agriculture to the Department of Agriculture and Food.

SECTION 2. The amendments amplify the authority of municipalities to pass by-laws to control diseases of plants and to enforce such by-laws.

**BILL 119** **1966**

**An Act to amend The Plant Diseases Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clauses *c* and *d* of section 1 of *The Plant Diseases Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 297, s. 1,  
cls. *c*, *d*,  
re-enacted

(*c*) "inspector" means an inspector appointed under this Act, and includes a municipal inspector;

(*d*) "Minister" means the Minister of Agriculture and Food.

**2.**—(1) Section 5 of *The Plant Diseases Act*, as amended by section 1 of *The Plant Diseases Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 297, s. 5,  
re-enacted

**5.**—(1) The council of any municipality may and, upon the receipt of a petition signed by at least twenty-five ratepayers of a township or county, the council of the township or county shall by by-law designate any of the plant diseases designated in the regulations and any disease of plants that is not designated a plant disease in the regulations, and the by-law shall, Municipal  
by-laws

(*a*) appoint one or more municipal inspectors to enforce this Act, the regulations and the by-law in the municipality with respect to every plant disease and disease of plants designated therein;

(*b*) fix the remuneration to be paid to municipal inspectors; and

(*c*) provide for the control and eradication of any disease of plants designated therein.

(2) No by-law passed under subsection 1 takes effect until it is approved by the Minister. Approval of  
by-laws

Powers and  
duties of  
municipal  
inspectors

- (3) Every municipal inspector shall, under the direction of the Provincial Entomologist, carry out in the municipality the provisions of this Act, any by-law passed under subsection 1 and the regulations.

Diseases  
designated  
in by-law  
deemed  
plant  
diseases

- (4) For the purposes of sections 6 and 7, a disease of plants that is not designated a plant disease in the regulations and for the control or eradication of which a by-law has been passed under subsection 1 shall be deemed to be a plant disease within the municipality that passed the by-law.

Payment of  
costs

- (5) Where a by-law passed under subsection 1 provides for the treatment or destruction by the municipality of any plants located on property that is not owned by or in the possession of the municipality, the municipality may pay any expenses incurred in the treatment or destruction of the plants out of the general funds of the municipality.

By-laws  
confirmed  
R.S.O. 1960,  
c. 297

- (2) Every by-law passed and approved under section 5 of *The Plant Diseases Act* after the 25th day of March, 1964, and before subsection 1 comes into force shall be deemed to be valid and binding until it is repealed, amended or replaced.

R.S.O. 1960,  
c. 297, s. 6,  
amended

- 3.** Section 6 of *The Plant Diseases Act* is amended by adding thereto the following subsection:

Obstruction  
of inspector

- (2) No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.

R.S.O. 1960,  
c. 297, s. 9,  
re-enacted

- 4.** Section 9 of *The Plant Diseases Act* is repealed and the following substituted therefor:

Offences

- 9.—(1) Except as provided in subsection 2, every person who contravenes any of the provisions of this Act or any by-law passed under subsection 1 of section 5 or the regulations or any order of an inspector or the Provincial Entomologist is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not more than \$50 and, for any subsequent offence, to a fine of not less than \$25 and not more than \$200 or to imprisonment for a term of not more than thirty days.

Idem

- (2) Every person who contravenes any provision of subsection 2 of section 6 is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not less than \$100 and, for any subsequent offence, to a fine of not less than \$200.

SECTION 3. Self-explanatory.

SECTION 4. The penalty section is re-enacted to include contraventions of municipal by-laws and to add penalties for obstructing an inspector.





**5.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent.<sub>ment</sub>

**6.** This Act may be cited as *The Plant Diseases Amendment* <sup>Short title</sup>  
*Act, 1966.*

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*1st Reading*

May 24th, 1966

*2nd Reading*

*3rd Reading*

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MR. STEWART

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# BILL 119

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## An Act to amend The Plant Diseases Act

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MR. STEWART

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*(Reprinted as amended by the Committee on Agriculture)*

### EXPLANATORY NOTES

SECTION 1. The re-enactment of clause *c* is for greater certainty that the use of the word "inspector" includes municipal inspectors. The re-enactment of clause *d* is complementary to Bill 24, which changed the name of the Department of Agriculture to the Department of Agriculture and Food.

SECTION 2. The amendments amplify the authority of municipalities to pass by-laws to control diseases of plants and to enforce such by-laws.



## An Act to amend The Plant Diseases Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *c* and *d* of section 1 of *The Plant Diseases Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 297, s. 1,  
cls. *c*, *d*,  
re-enacted

- (*c*) "inspector" means an inspector appointed under this Act, and includes a municipal inspector;
- (*d*) "Minister" means the Minister of Agriculture and Food.

2.—(1) Section 5 of *The Plant Diseases Act*, as amended by section 1 of *The Plant Diseases Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 297, s. 5,  
re-enacted

5.—(1) The council of any municipality may by by-law designate any disease or injury of plants, whether or not designated a plant disease in the regulations, and the by-law shall, Municipal  
by-laws

- (*a*) appoint one or more municipal inspectors to enforce this Act, the regulations and the by-law in the municipality with respect to every plant disease and disease of plants designated therein;
- (*b*) fix the remuneration to be paid to municipal inspectors; and
- (*c*) provide for the control or eradication of any disease of plants designated therein.

(2) No by-law passed under subsection 1 takes effect until it is approved by the Minister. Approval of  
by-laws

Powers and  
duties of  
municipal  
inspectors

- (3) Every municipal inspector shall, under the direction of the Provincial Entomologist, carry out in the municipality the provisions of this Act, any by-law passed under subsection 1 and the regulations.

Diseases  
designated  
in by-law  
deemed  
plant  
diseases

- (4) For the purposes of sections 6 and 7, a disease of plants that is not designated a plant disease in the regulations and for the control or eradication of which a by-law has been passed under subsection 1 shall be deemed to be a plant disease within the municipality that passed the by-law.

Payment of  
costs

- (5) Where a by-law passed under subsection 1 provides for the treatment or destruction by the municipality of any plants located on property that is not owned by or in the possession of the municipality, the municipality may pay any expenses incurred in the treatment or destruction of the plants out of the general funds of the municipality.

By-laws  
confirmed  
R.S.O. 1960,  
c. 297

- (2) Every by-law passed and approved under section 5 of *The Plant Diseases Act* after the 25th day of March, 1964, and before subsection 1 comes into force shall be deemed to be valid and binding until it is repealed, amended or replaced.

R.S.O. 1960,  
c. 297, s. 6,  
amended

- 3.** Section 6 of *The Plant Diseases Act* is amended by adding thereto the following subsection:

Obstruction  
of inspector

- (2) No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.

R.S.O. 1960,  
c. 297, s. 9,  
re-enacted

- 4.** Section 9 of *The Plant Diseases Act* is repealed and the following substituted therefor:

Offences

- 9.—(1) Except as provided in subsection 2, every person who contravenes any of the provisions of this Act or any by-law passed under subsection 1 of section 5 or the regulations or any order of an inspector or the Provincial Entomologist is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not more than \$50 and, for any subsequent offence, to a fine of not less than \$25 and not more than \$200 or to imprisonment for a term of not more than thirty days.

Idem

- (2) Every person who contravenes any provision of subsection 2 of section 6 is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not less than \$100 and, for any subsequent offence, to a fine of not less than \$200.

SECTION 3. Self-explanatory.

SECTION 4. The penalty section is re-enacted to include contraventions of municipal by-laws and to add penalties for obstructing an inspector.



**5.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent.  
ment

**6.** This Act may be cited as *The Plant Diseases Amendment* <sup>Short title</sup>  
*Act, 1966.*



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*1st Reading*

May 24th, 1966

*2nd Reading*

June 1st, 1966

*3rd Reading*

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MR. STEWART

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(Reprinted as amended by  
the Committee on Agriculture)

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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**An Act to amend The Plant Diseases Act**

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**MR. STEWART**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**



**BILL 119** 1966

**An Act to amend The Plant Diseases Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clauses *c* and *d* of section 1 of *The Plant Diseases Act* are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 297, s. 1,  
cls. *c*, *d*,  
re-enacted

(*c*) "inspector" means an inspector appointed under this Act, and includes a municipal inspector;

(*d*) "Minister" means the Minister of Agriculture and Food.

**2.—(1)** Section 5 of *The Plant Diseases Act*, as amended by section 1 of *The Plant Diseases Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 297, s. 5,  
re-enacted

**5.—(1)** The council of any municipality may by by-law designate any disease or injury of plants, whether or not designated a plant disease in the regulations, and the by-law shall,

Municipal  
by-laws

(*a*) appoint one or more municipal inspectors to enforce this Act, the regulations and the by-law in the municipality with respect to every plant disease and disease of plants designated therein;

(*b*) fix the remuneration to be paid to municipal inspectors; and

(*c*) provide for the control or eradication of any disease of plants designated therein.

**(2)** No by-law passed under subsection 1 takes effect until it is approved by the Minister.

Approval of  
by-laws

Powers and  
duties of  
municipal  
inspectors

- (3) Every municipal inspector shall, under the direction of the Provincial Entomologist, carry out in the municipality the provisions of this Act, any by-law passed under subsection 1 and the regulations.

Diseases  
designated  
in by-law  
deemed  
plant  
diseases

- (4) For the purposes of sections 6 and 7, a disease of plants that is not designated a plant disease in the regulations and for the control or eradication of which a by-law has been passed under subsection 1 shall be deemed to be a plant disease within the municipality that passed the by-law.

Payment of  
costs

- (5) Where a by-law passed under subsection 1 provides for the treatment or destruction by the municipality of any plants located on property that is not owned by or in the possession of the municipality, the municipality may pay any expenses incurred in the treatment or destruction of the plants out of the general funds of the municipality.

By-laws  
confirmed  
R.S.O. 1960,  
c. 297

- (2) Every by-law passed and approved under section 5 of *The Plant Diseases Act* after the 25th day of March, 1964, and before subsection 1 comes into force shall be deemed to be valid and binding until it is repealed, amended or replaced.

R.S.O. 1960,  
c. 297, s. 6,  
amended

- 3.** Section 6 of *The Plant Diseases Act* is amended by adding thereto the following subsection:

Obstruction  
of inspector

- (2) No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.

R.S.O. 1960,  
c. 297, s. 9,  
re-enacted

- 4.** Section 9 of *The Plant Diseases Act* is repealed and the following substituted therefor:

Offences

- 9.—(1) Except as provided in subsection 2, every person who contravenes any of the provisions of this Act or any by-law passed under subsection 1 of section 5 or the regulations or any order of an inspector or the Provincial Entomologist is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not more than \$50 and, for any subsequent offence, to a fine of not less than \$25 and not more than \$200 or to imprisonment for a term of not more than thirty days.

Idem

- (2) Every person who contravenes any provision of subsection 2 of section 6 is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not less than \$100 and, for any subsequent offence, to a fine of not less than \$200.



**5.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent.<sub>ment</sub>

**6.** This Act may be cited as *The Plant Diseases Amendment* <sup>Short title</sup>  
*Act, 1966.*





*1st Reading*

May 24th, 1966

*2nd Reading*

June 1st, 1966

*3rd Reading*

June 23rd, 1966

MR. STEWART

# **BILL 120**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Weed Control Act**

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**MR. STEWART**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**



#### EXPLANATORY NOTES

SECTION 1. The amendment is complementary to Bill 24, which changed the name of the Department of Agriculture to the Department of Agriculture and Food.

SECTION 2. The new section provides for the presumption that the owner of land is in possession for the purpose of the duties imposed by the Act on persons in possession.

SECTION 3. The provision being replaced requires destruction of weeds at times necessary to prevent their reproduction. The new provision requires destruction at any time.

SECTION 4. The amendment is for the purpose of removing any doubt that non-compliance with an inspector's order is an offence.

BILL 120

1966

## An Act to amend The Weed Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of section 1 of *The Weed Control Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 427, s. 1,  
cl. *f*,  
re-enacted

(*f*) "Minister" means the Minister of Agriculture and Food.

2. *The Weed Control Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 427,  
amended

1a. For the purposes of this Act, the owner of any land shall be deemed, unless the contrary be proven, to be the person in possession of the land. Persons  
deemed in  
possession

3. Subsection 1 of section 3 of *The Weed Control Act*, as re-enacted by section 1 of *The Weed Control Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 427, s. 3,  
subs. 1  
(1965,  
c. 141, s. 1),  
re-enacted

(1) Every person in possession of land shall destroy all noxious weeds thereon. Duty to  
destroy  
noxious  
weeds

4. Subsection 1 of section 10 of *The Weed Control Act*, as amended by section 2 of *The Weed Control Amendment Act, 1965*, is further amended by adding at the end thereof "and the person in possession of the land shall comply with the order", so that the subsection shall read as follows: R.S.O. 1960,  
c. 427, s. 10,  
subs. 1,  
amended

(1) Where an inspector finds noxious weeds or weed seeds on land in the area within his jurisdiction, he may order the person in possession of the land to destroy the noxious weeds or weed seeds, and the person in possession of the land shall comply with the order. Order for  
destruction  
of weeds

R.S.O. 1960,  
c. 427, s. 19,  
amended

**5.** Section 19 of *The Weed Control Act* is amended by adding thereto the following subsection:

Application  
of penalty

- (2) Subsection 1 applies to a person who is in contravention of section 3 or of an order made under subsection 1 of section 10, notwithstanding that procedures for destroying weeds are provided for.

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** This Act may be cited as *The Weed Control Amendment Act, 1966*.

SECTION 5. The new provision is for the purpose of removing any doubt that the penalties are in addition to and not in lieu of the provisions and procedures requiring the destruction of weeds.





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*1st Reading*

May 24th, 1966

*2nd Reading*

*3rd Reading*

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MR. STEWART

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# **BILL 120**

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

## **An Act to amend The Weed Control Act**

**MR. STEWART**

**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**



BILL 120

1966

## An Act to amend The Weed Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of section 1 of *The Weed Control Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 427, s. 1,  
cl. *f*,  
re-enacted

(*f*) "Minister" means the Minister of Agriculture and Food.

2. *The Weed Control Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 427,  
amended

1*a*. For the purposes of this Act, the owner of any land shall be deemed, unless the contrary be proven, to be the person in possession of the land.

Persons  
deemed in  
possession

3. Subsection 1 of section 3 of *The Weed Control Act*, as re-enacted by section 1 of *The Weed Control Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 427, s. 3,  
subs. 1  
(1965,  
c. 141, s. 1),  
re-enacted

(1) Every person in possession of land shall destroy all noxious weeds thereon.

Duty to  
destroy  
noxious  
weeds

4. Subsection 1 of section 10 of *The Weed Control Act*, as amended by section 2 of *The Weed Control Amendment Act, 1965*, is further amended by adding at the end thereof "and the person in possession of the land shall comply with the order", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 427, s. 10,  
subs. 1,  
amended

(1) Where an inspector finds noxious weeds or weed seeds on land in the area within his jurisdiction, he may order the person in possession of the land to destroy the noxious weeds or weed seeds, and the person in possession of the land shall comply with the order.

Order for  
destruction  
of weeds



R.S.O. 1960,  
c. 427, s. 19,  
amended

**5.** Section 19 of *The Weed Control Act* is amended by adding thereto the following subsection:

Application  
of penalty

(2) Subsection 1 applies to a person who is in contravention of section 3 or of an order made under subsection 1 of section 10, notwithstanding that procedures for destroying weeds are provided for.

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** This Act may be cited as *The Weed Control Amendment Act, 1966*.







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*1st Reading*

May 24th, 1966

*2nd Reading*

June 1st, 1966

*3rd Reading*

June 29th, 1966

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MR. STEWART

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# **BILL 121**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Highway Traffic Act**

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**MR. HASKETT**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

#### EXPLANATORY NOTES

SECTION 1. "Self-propelled implement of husbandry" is defined for the purposes of the Act.

SECTION 2. Motorcycles are at present required to carry three number plates, one on the back and two on the front. The amendment will require only one number plate on the back of the motorcycle.

SECTION 3. The section is re-enacted to permit a resident of another country who holds a valid International Driver's Permit to operate a vehicle in Ontario.

BILL 121

1966

## An Act to amend The Highway Traffic Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following paragraph: R.S.O. 1960,  
c. 172, s. 1,  
subs. 1,  
amended

24a. "self-propelled implement of husbandry" means a self-propelled implement or machine designed by the manufacturer thereof and used exclusively for farming, but does not include a motor vehicle having attached thereto a truck or delivery body or a farm tractor.

2. Subsection 5 of section 8 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 172, s. 8,  
subs. 5,  
re-enacted

(5) A motorcycle while being driven on a highway shall have exposed on the back thereof a number plate furnished by the Department showing in plain figures, not less than two inches in height, the number of the permit of such motorcycle and so fixed that the number is plainly visible from the rear thereof. Number  
plate on  
motorcycle

3. Section 15 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 172, s. 15,  
re-enacted

15. Sections 13 and 16 and any regulation made thereunder do not apply to any person who is, Exemption  
as to non-  
residents

(a) a resident of any other province of Canada, who is at least sixteen years of age and does not reside or carry on business in Ontario for more than six consecutive months in any one year, provided any such person has complied with the law of the province in which he resides as to the licensing of motor vehicle operators or chauffeurs;

(b) a resident of any other country or state,

- (i) who is at least sixteen years of age and is the holder of a valid International Driver's Permit, or
- (ii) who is at least sixteen years of age and has not resided in Ontario for more than three months in any one year and has complied with the law of the country or state in which he resides as to the licensing of motor vehicle operators or chauffeurs.

R.S.O. 1960,  
c. 172, s. 33,  
subs. 6  
(1965, c. 46,  
s. 6, subs. 3),  
cl. b,  
amended

4. Clause *b* of subsection 6 of section 33 of *The Highway Traffic Act*, as re-enacted by subsection 3 of section 6 of *The Highway Traffic Amendment Act, 1965*, is amended by inserting after "on" in the seventh line "the left side of", so that the clause shall read as follows:

- (b) every truck tractor having a width at any part in excess of 80 inches shall carry, in addition to the lamps required by subsection 1, two lighted clearance lamps, one on each side of the front of the vehicle, which shall display an amber light, and one lighted clearance lamp on the left side of the rear of the vehicle, which shall display a red light.

R.S.O. 1960,  
c. 172,  
amended

5. *The Highway Traffic Act* is amended by adding thereto the following section:

Tire  
specifications

- 38a. The Lieutenant Governor in Council may make regulations prescribing the standards and specifications of tires to be used on vehicles or any class or classes thereof, and providing for and requiring the identification and marking of tires and prohibiting the sale of tires or any type thereof that do not comply with such standards and specifications and are not marked in accordance with the regulations.

R.S.O. 1960,  
c. 172,  
amended

6. *The Highway Traffic Act* is amended by adding thereto the following section:

Windows to  
afford clear  
view

- 41b.—(1) No person shall drive a motor vehicle upon a highway,

- (a) unless the windshield and the windows on either side of the compartment containing the steering wheel are in such a condition as to afford the driver a clear view to the front and side of the motor vehicle; and

SECTION 4. The amendment requires the clearance lamp on the rear of a truck tractor to be on the left side of the rear of the vehicle.

SECTION 5. Self-explanatory.

SECTION 6. The new section places a duty on the driver of a motor vehicle to maintain the windows in such a condition as will afford him a clear view.



SECTION 7. The amendment is for the purpose of clarification.

SECTION 8. The new subsection 4 provides that a certificate of mechanical fitness is not required when a motor vehicle is sold by a dealer to another dealer.

SECTION 9. Self-explanatory.

- (b) unless the rear window is in such a condition as to afford the driver a clear view to the rear of the motor vehicle.

- (2) Clause *b* of subsection 1 does not apply to a motor vehicle that is equipped with a mirror or mirrors securely attached to the motor vehicle and placed in such a position and maintained in such a condition as to afford the driver, otherwise than through the rear window, a clearly-reflected view of the roadway in the rear or of any vehicle approaching from the rear.

Application  
of subs. 1,  
cl. *b*

7. Subsection 3 of section 42 of *The Highway Traffic Act* is amended by striking out "by cutting out the muffler or otherwise" in the sixth and seventh lines, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 172, s. 42,  
subs. 3,  
amended

- (3) A person having the control or charge of a motor vehicle shall not sound any bell, horn or other signaling device so as to make an unreasonable noise, and an operator or chauffeur of any motor vehicle shall not permit any unreasonable amount of smoke to escape from the motor vehicle, nor shall such operator or chauffeur at any time cause the motor vehicle to make any unnecessary noise, but this subsection does not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call.

Unnecessary  
noise

8. Section 49 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 172, s. 49,  
amended

- (4) Subsection 1 does not apply when a motor vehicle is sold by a dealer to another dealer.

Application  
where sale  
to another  
dealer

9. *The Highway Traffic Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 172,  
amended

50a. The Lieutenant Governor in Council may make regulations,

Safety  
devices  
on vehicles

- (a) requiring the use or incorporation of any device, in or on any vehicle, that may affect the safe operation of the vehicle on the highway or that may reduce or prevent injury to persons in a vehicle on a highway or to persons using the highway, and prescribing the specifications thereof;

- (b) designating devices and designating an organization to test and mark its approval of any device so designated, and prohibiting the incorporation or use in or on a vehicle of any device so designated that is not marked as approved by the testing organization.

R.S.O. 1960,  
c. 172, s. 52,  
subs. 2,  
amended

**10.**—(1) Subsection 2 of section 52 of *The Highway Traffic Act* is amended by adding thereto the following paragraph:

As to weight  
of trailer

- 1a. The gross weight of a trailer, other than a semi-trailer or pole-trailer, with two axles shall not exceed 32,000 pounds and the weight upon one axle shall not exceed 18,000 pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed 14,000 pounds.

R.S.O. 1960,  
c. 172, s. 52,  
subs. 2a  
(1960-61,  
c. 34, s. 6,  
subs. 6),  
amended

(2) Subsection 2a of the said section 52, as enacted by subsection 6 of section 6 of *The Highway Traffic Amendment Act, 1960-61* and amended by subsection 1 of section 9 of *The Highway Traffic Amendment Act, 1965*, is further amended by striking out "31st day of March, 1966" in the sixth line and in the amendment of 1965 and inserting in lieu thereof "30th day of June, 1967", so that the subsection shall read as follows:

Moving of  
three-axle  
semi-trailers  
registered  
prior to  
July 1, 1961

- (2a) Notwithstanding paragraph 6 of subsection 2, a semi-trailer referred to in paragraph 6 that was registered under this Act prior to the 1st day of July, 1961, subject to section 6, may be moved with a gross weight not exceeding 40,000 pounds on a Class A Highway until and including the 30th day of June, 1967.

R.S.O. 1960,  
c. 172, s. 52,  
subs. 2b  
(1962-63,  
c. 56, s. 10),  
repealed

(3) Subsection 2b of the said section 52, as re-enacted by section 10 of *The Highway Traffic Amendment Act 1962-63* and amended by subsection 2 of section 9 of *The Highway Traffic Amendment Act, 1965*, is repealed.

R.S.O. 1960,  
c. 172, s. 56,  
subs. 1,  
amended

**11.**—(1) Subsection 1 of section 56 of *The Highway Traffic Act* is amended by inserting after "sunrise" in the fifth line "or at any other time when there is insufficient light or unfavourable atmospheric conditions", so that the subsection shall read as follows:

Over-  
hanging  
loads

- (1) Every vehicle carrying a load that overhangs the rear of the vehicle to the extent of five feet or more shall display upon such overhanging load at the extreme rear end thereof at any time from one-half

SECTION 10—Subsection 1. Provision is made for the maximum gross weight of trailers with two axles, other than semi-trailers and pole-trailers which are provided for in paragraph 5 of subsection 2 of section 52.

Subsection 2. The period within which three-axle semi-trailers with a gross weight of 40,000 pounds may be moved on a highway is extended from March 31, 1966, to June 30, 1967.

Subsection 3. The provision prohibiting combinations of vehicles having a gross weight of more than 84,000 pounds on a highway is repealed.

SECTION 11—Subsection 1. At present, a red light is required at night on loads projecting from the rear of a vehicle. The amendment will require a red light at other times when there is insufficient light or unfavourable atmospheric conditions.

Subsection 2. The provision respecting the covering of loads on commercial motor vehicles and trailers is revised for the purpose of clarification.

SECTION 12. The amendment is for clarification and specifies when a turn signal is required to be given on a highway.

SECTION 13. Subsection 10 is revised to make it clear that an offence is created where signs forbidding turns are disobeyed.

SECTION 14. The amendment is to make it clear that the rule in section 72 respecting driving to the left of the centre of a roadway is applicable to highways clearly marked into lanes where there are the same number of lanes for traffic in each direction.



hour after sunset to one-half hour before sunrise or at any other time when there is insufficient light or unfavourable atmospheric conditions a red light, and at all other times a red flag or a red wooden or metal sign sufficient to indicate the projection of such load.

(2) Subsection 2 of the said section 56 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 172, s. 56,  
subs. 2,  
re-enacted

- (2) No person shall operate or permit to be operated upon a highway any commercial motor vehicle or trailer unless the load that such vehicle or trailer is carrying is firmly bound, sufficiently covered, or otherwise secured or loaded, in such manner that no portion of the load may become dislodged or fall from the commercial vehicle or trailer. Commercial  
vehicle,  
etc., how  
to be  
loaded

**12.** Subsection 1 of section 69 of *The Highway Traffic Act* is amended by striking out "from a direct line" in the second line and inserting in lieu thereof "at an intersection or into a private road or driveway or from one lane for traffic to another lane for traffic or to leave the roadway", so that the subsection shall read as follows: R.S.O. 1960,  
c. 172, s. 69,  
subs. 1,  
amended

- (1) The driver or operator of a vehicle upon a highway before turning to the left or right at an intersection or into a private road or driveway or from one lane for traffic to another lane for traffic or to leave the roadway shall first see that such movement can be made in safety, and if the operation of any other vehicle may be affected by such movement shall give a signal plainly visible to the driver or operator of such other vehicle of the intention to make such movement. Signal for  
left or right  
turn

**13.** Subsection 10 of section 70 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 172, s. 70,  
subs. 10,  
re-enacted

- (10) The provisions of this section are subject to any sign forbidding a left or right turn or both that is conspicuously posted at any intersection, and the driver of a vehicle shall obey such sign. Rules  
subject to  
signs at  
intersections

**14.** Section 72 of *The Highway Traffic Act* is amended by striking out "as provided in section 76" in the fifteenth line and inserting in lieu thereof "where there are more such lanes for traffic in one direction than in the other direction", so that the section shall read as follows: R.S.O. 1960,  
c. 172, s. 72,  
amended

72. No vehicle shall be driven or operated to the left of the centre of a roadway designed for one or more lines of traffic in each direction, Driving to  
left of  
centre of  
roadway  
under  
certain  
conditions  
prohibited

- (a) when approaching the crest of a grade or upon a curve in the roadway or within 100 feet of a bridge, viaduct or tunnel where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction; or
- (b) when approaching within 100 feet of or traversing any intersection or level railway crossing, except where a left turn is to be made at an intersection,

but this section does not apply to a highway designated for the use of one-way traffic or to a highway divided into clearly marked lanes where there are more such lanes for traffic in one direction than in the other direction.

R.S.O. 1960,  
c. 172, s. 93,  
subs. 3,  
repealed

**15.** Subsection 3 of section 93 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,  
c. 172, s. 94  
(1960-61,  
c. 34, s. 12),  
subs. 1,  
cl. b,  
amended

**16.**—(1) Clause *b* of subsection 1 of section 94 of *The Highway Traffic Act*, as re-enacted by section 12 of *The Highway Traffic Amendment Act, 1960-61*, is amended by striking out “amber” in the second line and inserting in lieu thereof “red”, so that the clause shall read as follows:

- (b) is equipped with two red signal-lights on the rear thereof and two red signal-lights on the front thereof.

R.S.O. 1960,  
c. 172, s. 94  
(1960-61,  
c. 34, s. 12),  
subss. 2, 3,  
re-enacted

(2) Subsections 2 and 3 of the said section 94, as amended by subsections 2, 3 and 4 of section 13 of *The Highway Traffic Amendment Act, 1961-62*, are repealed and the following substituted therefor:

Duty of  
driver when  
school bus  
stopped on  
highway

- (2) Where a school bus is stopped on a highway or part of a highway on which the maximum speed limit is greater than 35 miles per hour for the purpose of receiving or discharging school children, the driver of a vehicle,
  - (a) when overtaking a school bus on which the words “do not pass when signals flashing” are marked and two red signal-lights are illuminated by intermittent flashes; and
  - (b) when meeting on such a highway, other than a highway with separate roadways, a school bus on the front of which two red signal-lights are illuminated with intermittent flashes,

SECTION 15. The provision repealed requires all buses to carry the words "this vehicle stops at all railway crossings". Such vehicles are required to stop at unprotected crossings only, and the provision is therefore repealed.

SECTION 16—Subsection 1. The amendment will require a school bus to have red signal-lights instead of amber signal-lights on the front of the bus.

Subsection 2. Subsection 2 is amended to require traffic in both directions to stop when a school bus that has its lights flashing is stopped on a highway for the purpose of receiving or discharging school children.

Subsection 3 is amended to require the driver of a school bus to continue flashing his lights until the children who are intending to cross the highway, except where there are separate roadways, complete the crossing.

SECTION 17. The section, as revised, will require pedestrians when walking along the roadway to walk as closely as possible to the left edge thereof.

SECTION 18. The amendment authorizes the Lieutenant Governor in Council to make regulations prohibiting or regulating the use of controlled-access highways by pedestrians.

SECTION 19—Subsection 1. The amendment is to make the owner of a leased motor vehicle liable in damages for the negligent operation of the leased vehicle by a person who drives the leased vehicle with the consent of the lessee.

Subsections 2 and 3. At present, the owner or driver of a motor vehicle is not liable for any loss or damage suffered by a gratuitous passenger in the event of a motor vehicle accident. The amendment will give the gratuitous passenger a right to recover in damages in the event of a motor vehicle accident where the loss or damage was caused or contributed to by the gross negligence of the driver of the motor vehicle.



shall stop the vehicle before reaching the school bus and shall not proceed until the school bus resumes motion or the signal-lights are no longer operating.

- (3) The driver of such a school bus upon a highway or part of a highway on which the maximum speed limit is greater than 35 miles per hour, when he is about to stop the school bus for the purpose of receiving or discharging school children, shall actuate the signal-lights and shall continue them in operation while stopped for such purpose and, in the case of such a highway that does not have separate roadways, until those children who of necessity must cross the highway have completed the crossing.

Duty of driver of school bus to actuate signals

**17.** Section 97 of *The Highway Traffic Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 172, s. 97, re-enacted

97. Where sidewalks are not provided on a highway, a pedestrian walking along the highway shall walk on the left side thereof facing oncoming traffic and, when walking along the roadway, shall walk as close to the left edge thereof as possible.

Duties of pedestrian when walking along highway

**18.** Subsection 1 of section 100a of *The Highway Traffic Act*, as enacted by section 15 of *The Highway Traffic Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960, c. 172, s. 100a (1962-63, c. 56, s. 15), subs. 1, re-enacted

- (1) The Lieutenant Governor in Council may make regulations prohibiting or regulating the use of a highway designated by the Lieutenant Governor in Council as a controlled-access highway under *The Highway Improvement Act* by pedestrians or animals or any class or classes of vehicles.

Regulation of pedestrians and vehicles on controlled-access highways

R.S.O. 1960, c. 171

**19.—(1)** Section 105 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

R.S.O. 1960, c. 172, s. 105, amended

- (1a) Where a motor vehicle is leased, the consent of the lessee of the motor vehicle to the operation or possession thereof by some person other than the lessee shall, for the purposes of subsection 1, be deemed to be the consent of the owner of the motor vehicle.

Consent of lessee

(2) Subsection 2 of the said section 105 is amended by adding at the end thereof "except where such loss or damage was caused or contributed to by the gross negligence of the driver of the motor vehicle", so that the subsection shall read as follows:

R.S.O. 1960, c. 172, s. 105, subs. 2, amended



Liability  
for injury  
to passengers

- (2) Notwithstanding subsection 1, the owner or driver of a motor vehicle, other than a vehicle operated in the business of carrying passengers for compensation, is not liable for any loss or damage resulting from bodily injury to, or the death of any person being carried in, or upon, or entering, or getting on to, or alighting from the motor vehicle, except where such loss or damage was caused or contributed to by the gross negligence of the driver of the motor vehicle.

Application  
of subs. 2

- (3) Subsection 2 applies only to loss or damage resulting from bodily injury to, or the death of any person caused by the gross negligence of a driver of a motor vehicle on or after the day subsection 2 comes into force.

R.S.O. 1960,  
s. 172, s. 148,  
subs. 2,  
amended

**20.** Subsection 2 of section 148 of *The Highway Traffic Act* is amended by adding at the end thereof "or of any of the provisions of any by-law passed under any Act regulating or prohibiting turns on a highway", so that the subsection shall read as follows:

Owner when  
not driver  
not liable  
for penalties

- (2) The owner of a motor vehicle except when he is also the driver shall not incur the penalties provided for any contravention of any of the provisions of sections 59 to 87, 91, 94, 99 and 143 or any regulation or by-law made or passed thereunder or of any of the provisions of any by-law passed under any Act regulating or prohibiting turns on a highway.

Commence-  
ment

**21.**—(1) This Act, except sections 2, 4 and 6 and subsections 2 and 3 of section 10, sections 11, 12, 14, 15, 16, 17 and 19, comes into force on the day it receives Royal Assent.

Idem

(2) Subsections 2 and 3 of section 10 shall be deemed to have come into force on the 1st day of April, 1966.

Idem

(3) Sections 4, 11, 12, 14, 15, 16 and 17 and subsection 1 of section 19 come into force on the 1st day of September, 1966.

Idem

(4) Section 6 comes into force on the 1st day of October, 1966.

Idem

(5) Section 2 comes into force on the 1st day of December, 1966.

Idem

(6) Subsections 2 and 3 of section 19 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**22.** This Act may be cited as *The Highway Traffic Amendment Act, 1966*.

SECTION 20. The amendment provides that offences under municipal by-laws regulating or prohibiting turns on highways are chargeable only against the driver similar to moving offences under *The Highway Traffic Act*.





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*1st Reading*

May 24th, 1966

*2nd Reading*

*3rd Reading*

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MR. HASKETT

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# **BILL 121**

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## **An Act to amend The Highway Traffic Act**

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MR. HASKETT

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*(Reprinted as amended by the Committee on Highways and Tourism)*

#### EXPLANATORY NOTES

SECTION 1. "Self-propelled implement of husbandry" is defined for the purposes of the Act.

SECTION 2. Self-explanatory.

SECTION 3. Motorcycles are at present required to carry three number plates, one on the back and two on the front. The amendment will require only one number plate on the back of the motorcycle.

SECTION 4. The section is re-enacted to permit a resident of another country who holds a valid International Driver's Permit to operate a vehicle in Ontario.

BILL 121

1966

## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following paragraph: R.S.O. 1960,  
c. 172, s. 1,  
subs. 1,  
amended

24a. "self-propelled implement of husbandry" means a self-propelled implement or machine designed by the manufacturer thereof and used exclusively for farming, but does not include a motor vehicle having attached thereto a truck or delivery body or a farm tractor.

2. Section 3 of *The Highway Traffic Act*, as amended by section 2 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by adding thereto the following subsection: R.S.O. 1960,  
c. 172, s. 3,  
amended

(4) The Deputy Minister, with the consent of the Minister, may authorize any public servant or servants in the Department to exercise any or all of the powers and duties of the Registrar when the Registrar or Deputy Registrar is absent. Delegation  
of powers  
of Registrar

3. Subsection 5 of section 8 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 172, s. 8,  
subs. 5,  
re-enacted

(5) A motorcycle while being driven on a highway shall have exposed on the back thereof a number plate furnished by the Department showing in plain figures, not less than two inches in height, the number of the permit of such motorcycle and so fixed that the number is plainly visible from the rear thereof. Number  
plate on  
motorcycle

4. Section 15 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 172, s. 15,  
re-enacted

15. Sections 13 and 16 and any regulation made thereunder do not apply to any person who is, Exemption  
as to non-  
residents

- (a) a resident of any other province of Canada, who is at least sixteen years of age and does not reside or carry on business in Ontario for more than six consecutive months in any one year, provided any such person has complied with the law of the province in which he resides as to the licensing of motor vehicle operators or chauffeurs;
- (b) a resident of any other country or state,

- (i) who is at least sixteen years of age and is the holder of a valid International Driver's Permit, or
- (ii) who is at least sixteen years of age and has not resided in Ontario for more than three months in any one year and has complied with the law of the country or state in which he resides as to the licensing of motor vehicle operators or chauffeurs.

R.S.O. 1960,  
c. 172, s. 33,  
subs. 6  
(1965, c. 46,  
s. 6, subs. 3),  
cl. b,  
amended

**5.**—(1) Clause *b* of subsection 6 of section 33 of *The Highway Traffic Act*, as re-enacted by subsection 3 of section 6 of *The Highway Traffic Amendment Act, 1965*, is amended by inserting after "on" in the seventh line "the left side of", so that the clause shall read as follows:

- (b) every truck tractor having a width at any part in excess of 80 inches shall carry, in addition to the lamps required by subsection 1, two lighted clearance lamps, one on each side of the front of the vehicle, which shall display an amber light, and one lighted clearance lamp on the left side of the rear of the vehicle, which shall display a red light.

R.S.O. 1960,  
c. 172, s. 33,  
subs. 12,  
re-enacted

(2) Subsection 12 of the said section 33 is repealed and the following substituted therefor:

Red light  
in front

- (12) In addition to the lighting requirements in this Part, an ambulance, fire department vehicle, police department vehicle, public utility emergency vehicle or school bus may carry a lamp or lamps that cast a red light only or such other colour of light that may, with the approval of the Department, be designated by a by-law of the municipality in which the vehicle is operated, but no other motor vehicle shall carry any lamp that casts a red light to the front.

R.S.O. 1960,  
c. 172,  
amended

**6.** *The Highway Traffic Act* is amended by adding thereto the following section:

SECTION 5—Subsection 1. The amendment requires the clearance lamp on the rear of a truck tractor to be on the left side of the rear of the vehicle.

Subsection 2. This amendment is complementary to section 17 of this Bill, which requires two red signal lights on the front of school buses.

SECTION 6. Self-explanatory.



SECTION 7. The new section places a duty on the driver of a motor vehicle to maintain the windows in such a condition as will afford him a clear view.

SECTION 8. The amendment is for the purpose of clarification.

38a. The Lieutenant Governor in Council may make regulations prescribing the standards and specifications of tires to be used on vehicles or any class or classes thereof, and providing for and requiring the identification and marking of tires and prohibiting the sale of tires or any type thereof that do not comply with such standards and specifications and are not marked in accordance with the regulations.

7. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960, c. 172, amended

41b.—(1) No person shall drive a motor vehicle upon a highway, Windows to afford clear view

(a) unless the windshield and the windows on either side of the compartment containing the steering wheel are in such a condition as to afford the driver a clear view to the front and side of the motor vehicle; and

(b) unless the rear window is in such a condition as to afford the driver a clear view to the rear of the motor vehicle.

(2) Clause *b* of subsection 1 does not apply to a motor vehicle that is equipped with a mirror or mirrors securely attached to the motor vehicle and placed in such a position and maintained in such a condition as to afford the driver, otherwise than through the rear window, a clearly-reflected view of the roadway in the rear or of any vehicle approaching from the rear. Application of subs. 1, cl. b

8. Subsection 3 of section 42 of *The Highway Traffic Act* is amended by striking out "by cutting out the muffler or otherwise" in the sixth and seventh lines, so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 42, subs. 3, amended

(3) A person having the control or charge of a motor vehicle shall not sound any bell, horn or other signaling device so as to make an unreasonable noise, and an operator or chauffeur of any motor vehicle shall not permit any unreasonable amount of smoke to escape from the motor vehicle, nor shall such operator or chauffeur at any time cause the motor vehicle to make any unnecessary noise, but this subsection does not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call. Unnecessary noise

R.S.O. 1960,  
c. 172, s. 49,  
amended

**9.** Section 49 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Application  
where sale  
to another  
dealer

- (4) Subsection 1 does not apply when a motor vehicle is sold by a dealer to another dealer.

R.S.O. 1960,  
c. 172,  
amended

**10.** *The Highway Traffic Act* is amended by adding thereto the following section:

Safety  
devices  
on vehicles

50a. The Lieutenant Governor in Council may make regulations,

- (a) requiring the use or incorporation of any device, in or on any vehicle, that may affect the safe operation of the vehicle on the highway or that may reduce or prevent injury to persons in a vehicle on a highway or to persons using the highway, and prescribing the specifications thereof;
- (b) designating devices and designating an organization to test and mark its approval of any device so designated, and prohibiting the incorporation or use in or on a vehicle of any device so designated that is not marked as approved by the testing organization.

R.S.O. 1960,  
c. 172, s. 52,  
subs. 2,  
amended

**11.—(1)** Subsection 2 of section 52 of *The Highway Traffic Act* is amended by adding thereto the following paragraph:

As to weight  
of trailer

- 1a. The gross weight of a trailer, other than a semi-trailer or pole-trailer, with two axles shall not exceed 32,000 pounds and the weight upon one axle shall not exceed 18,000 pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed 14,000 pounds.

R.S.O. 1960,  
c. 172, s. 52,  
subs. 2a  
(1960-61,  
c. 34, s. 6,  
subs. 6),  
re-enacted

(2) Subsection 2a of the said section 52, as enacted by subsection 6 of section 6 of *The Highway Traffic Amendment Act, 1960-61* and amended by subsection 1 of section 9 of *The Highway Traffic Amendment Act, 1965*, is repealed and the following substituted therefor:

Moving of  
three-axle  
semi-trailers  
or pole  
trailers  
registered  
prior to  
July 1, 1961

- (2a) Notwithstanding paragraph 6 of subsection 2, a semi-trailer or a pole trailer referred to in such paragraph 6 that was registered under this Act prior to the 1st day of July, 1961, subject to section 6, may be moved with a gross weight not exceeding 40,000 pounds on a Class A Highway until and including the 30th day of June, 1967.

SECTION 9. The new subsection 4 provides that a certificate of mechanical fitness is not required when a motor vehicle is sold by a dealer to another dealer.

SECTION 10. Self-explanatory.

SECTION 11—Subsection 1. Provision is made for the maximum gross weight of trailers with two axles, other than semi-trailers and pole-trailers which are provided for in paragraph 5 of subsection 2 of section 52.

Subsection 2. The period within which three-axle semi-trailers and pole trailers with a gross weight of 40,000 pounds may be moved on a highway is extended from March 31, 1966, to June 30, 1967.

Subsection 3. The provision prohibiting combinations of vehicles having a gross weight of more than 84,000 pounds on a highway is repealed.

SECTION 12—Subsection 1. At present, a red light is required at night on loads projecting from the rear of a vehicle. The amendment will require a red light at other times when there is insufficient light or unfavourable atmospheric conditions.

Subsection 2. The provision respecting the covering of loads on commercial motor vehicles and trailers is revised for the purpose of clarification.

SECTION 13. The amendment is for clarification and specifies when a turn signal is required to be given on a highway.



(3) Subsection 2b of the said section 52, as re-enacted by section 10 of *The Highway Traffic Amendment Act 1962-63* and amended by subsection 2 of section 9 of *The Highway Traffic Amendment Act, 1965*, is repealed.

R.S.O. 1960,  
c. 172, s. 52,  
subs. 2b  
(1962-63,  
c. 56, s. 10),  
repealed

**12.**—(1) Subsection 1 of section 56 of *The Highway Traffic Act* is amended by inserting after “sunrise” in the fifth line “or at any other time when there is insufficient light or unfavourable atmospheric conditions”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 172, s. 56,  
subs. 1,  
amended

- (1) Every vehicle carrying a load that overhangs the rear of the vehicle to the extent of five feet or more shall display upon such overhanging load at the extreme rear end thereof at any time from one-half hour after sunset to one-half hour before sunrise or at any other time when there is insufficient light or unfavourable atmospheric conditions a red light, and at all other times a red flag or a red wooden or metal sign sufficient to indicate the projection of such load.

Over-  
hanging  
loads

(2) Subsection 2 of the said section 56 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 172, s. 56,  
subs. 2,  
re-enacted

- (2) No person shall operate or permit to be operated upon a highway any commercial motor vehicle or trailer unless the load that such vehicle or trailer is carrying is firmly bound, sufficiently covered, or otherwise secured or loaded, in such manner that no portion of the load may become dislodged or fall from the commercial vehicle or trailer.

Commercial  
vehicle,  
etc., how  
to be  
loaded

**13.** Subsection 1 of section 69 of *The Highway Traffic Act* is amended by striking out “from a direct line” in the second line and inserting in lieu thereof “at an intersection or into a private road or driveway or from one lane for traffic to another lane for traffic or to leave the roadway”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 172, s. 69  
subs. 1,  
amended

- (1) The driver or operator of a vehicle upon a highway before turning to the left or right at an intersection or into a private road or driveway or from one lane for traffic to another lane for traffic or to leave the roadway shall first see that such movement can be made in safety, and if the operation of any other vehicle may be affected by such movement shall give a signal plainly visible to the driver or operator of such other vehicle of the intention to make such movement.

Signal for  
left or right  
turn

R.S.O. 1960,  
c. 172, s. 70,  
subs. 10,  
re-enacted

**14.** Subsection 10 of section 70 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Rules  
subject to  
signs at  
intersections

- (10) The provisions of this section are subject to any sign forbidding a left or right turn or both that is conspicuously posted at any intersection, and the driver of a vehicle shall obey such sign.

R.S.O. 1960,  
c. 172, s. 72,  
amended

**15.** Section 72 of *The Highway Traffic Act* is amended by striking out "as provided in section 76" in the fifteenth line and inserting in lieu thereof "where there are more such lanes for traffic in one direction than in the other direction", so that the section shall read as follows:

Driving to  
left of  
centre of  
roadway  
under  
certain  
conditions  
prohibited

72. No vehicle shall be driven or operated to the left of the centre of a roadway designed for one or more lines of traffic in each direction,

(a) when approaching the crest of a grade or upon a curve in the roadway or within 100 feet of a bridge, viaduct or tunnel where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction; or

(b) when approaching within 100 feet of or traversing any intersection or level railway crossing, except where a left turn is to be made at an intersection,

but this section does not apply to a highway designated for the use of one-way traffic or to a highway divided into clearly marked lanes where there are more such lanes for traffic in one direction than in the other direction.

R.S.O. 1960,  
c. 172, s. 93,  
subs. 3,  
repealed

**16.** Subsection 3 of section 93 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,  
c. 172, s. 94  
(1960-61,  
c. 34, s. 12),  
subs. 1,  
cl. b,  
amended

**17.**—(1) Clause *b* of subsection 1 of section 94 of *The Highway Traffic Act*, as re-enacted by section 12 of *The Highway Traffic Amendment Act, 1960-61*, is amended by striking out "amber" in the second line and inserting in lieu thereof "red", so that the clause shall read as follows:

- (b) is equipped with two red signal-lights on the rear thereof and two red signal-lights on the front thereof.

SECTION 14. Subsection 10 is revised to make it clear that an offence is created where signs forbidding turns are disobeyed.

SECTION 15. The amendment is to make it clear that the rule in section 72 respecting driving to the left of the centre of a roadway is applicable to highways clearly marked into lanes where there are the same number of lanes for traffic in each direction.

SECTION 16. The provision repealed requires all buses to carry the words "this vehicle stops at all railway crossings". Such vehicles are required to stop at unprotected crossings only, and the provision is therefore repealed.

SECTION 17—Subsection 1. The amendment will require a school bus to have red signal-lights instead of amber signal-lights on the front of the bus.

Subsection 2. Subsection 2 is amended to require traffic in both directions to stop when a school bus that has its lights flashing is stopped on a highway for the purpose of receiving or discharging school children.

Subsection 3 is amended to require the driver of a school bus to continue flashing his lights until the children who are intending to cross the highway, except where there are separate roadways, complete the crossing.

SECTION 18. The section, as revised, will require pedestrians when walking along the roadway to walk as closely as possible to the left edge thereof.

SECTION 19. The amendment authorizes the Lieutenant Governor in Council to make regulations prohibiting or regulating the use of controlled-access highways by pedestrians.



(2) Subsections 2 and 3 of the said section 94, as amended by subsections 2, 3 and 4 of section 13 of *The Highway Traffic Amendment Act, 1961-62*, are repealed and the following substituted therefor: R.S.O. 1960,  
c. 172, s. 94  
(1960-61,  
c. 34, s. 12),  
subss. 2, 3,  
re-enacted

- (2) Where a school bus is stopped on a highway or part of a highway on which the maximum speed limit is greater than 35 miles per hour for the purpose of receiving or discharging school children, the driver of a vehicle, Duty of  
driver when  
school bus  
stopped on  
highway

(a) when overtaking a school bus on which the words "do not pass when signals flashing" are marked and two red signal-lights are illuminated by intermittent flashes; and

(b) when meeting on such a highway, other than a highway with separate roadways, a school bus on the front of which two red signal-lights are illuminated with intermittent flashes,

shall stop the vehicle before reaching the school bus and shall not proceed until the school bus resumes motion or the signal-lights are no longer operating.

- (3) The driver of such a school bus upon a highway or part of a highway on which the maximum speed limit is greater than 35 miles per hour, when he is about to stop the school bus for the purpose of receiving or discharging school children, shall actuate the signal-lights and shall continue them in operation while stopped for such purpose and, in the case of such a highway that does not have separate roadways, until those children who of necessity must cross the highway have completed the crossing. Duty of  
driver of  
school bus  
to actuate  
signals

**18.** Section 97 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 172, s. 97,  
re-enacted

97. Where sidewalks are not provided on a highway, a pedestrian walking along the highway shall walk on the left side thereof facing oncoming traffic and, when walking along the roadway, shall walk as close to the left edge thereof as possible. Duties of  
pedestrian  
when walk-  
ing along  
highway

**19.** Subsection 1 of section 100a of *The Highway Traffic Act*, as enacted by section 15 of *The Highway Traffic Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 172,  
s. 100a  
(1962-63,  
c. 56, s. 15),  
subs. 1,  
re-enacted



Regulation  
of pedes-  
trians and  
vehicles on  
controlled-  
access  
highways  
R.S.O. 1960,  
c. 171

- (1) The Lieutenant Governor in Council may make regulations prohibiting or regulating the use of a highway designated by the Lieutenant Governor in Council as a controlled-access highway under *The Highway Improvement Act* by pedestrians or animals or any class or classes of vehicles.

R.S.O. 1960,  
c. 172, s. 105,  
amended

- 20.**—(1) Section 105 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Consent of  
lessee

- (1a) Where a motor vehicle is leased, the consent of the lessee of the motor vehicle to the operation or possession thereof by some person other than the lessee shall, for the purposes of subsection 1, be deemed to be the consent of the owner of the motor vehicle.

R.S.O. 1960,  
c. 172, s. 105,  
subs. 2,  
amended

- (2) Subsection 2 of the said section 105 is amended by adding at the end thereof "except where such loss or damage was caused or contributed to by the gross negligence of the driver of the motor vehicle", so that the subsection shall read as follows:

Liability  
for injury  
to passengers

- (2) Notwithstanding subsection 1, the owner or driver of a motor vehicle, other than a vehicle operated in the business of carrying passengers for compensation, is not liable for any loss or damage resulting from bodily injury to, or the death of any person being carried in, or upon, or entering, or getting on to, or alighting from the motor vehicle, except where such loss or damage was caused or contributed to by the gross negligence of the driver of the motor vehicle.

Application  
of subs. 2

- (3) Subsection 2 applies only to loss or damage resulting from bodily injury to, or the death of any person caused by the gross negligence of a driver of a motor vehicle on or after the day subsection 2 comes into force.

R.S.O. 1960,  
c. 172, s. 148,  
subs. 2,  
amended

- 21.** Subsection 2 of section 148 of *The Highway Traffic Act* is amended by adding at the end thereof "or of any of the provisions of any by-law passed under any Act regulating or prohibiting turns on a highway", so that the subsection shall read as follows:

Owner when  
not driver  
not liable  
for penalties

- (2) The owner of a motor vehicle except when he is also the driver shall not incur the penalties provided for any contravention of any of the provisions of sections 59 to 87, 91, 94, 99 and 143 or any regulation or by-law made or passed thereunder or of any of the provisions of any by-law passed under any Act regulating or prohibiting turns on a highway.

SECTION 20—Subsection 1. The amendment is to make the owner of a leased motor vehicle liable in damages for the negligent operation of the leased vehicle by a person who drives the leased vehicle with the consent of the lessee.

Subsections 2 and 3. At present, the owner or driver of a motor vehicle is not liable for any loss or damage suffered by a gratuitous passenger in the event of a motor vehicle accident. The amendment will give the gratuitous passenger a right to recover in damages in the event of a motor vehicle accident where the loss or damage was caused or contributed to by the gross negligence of the driver of the motor vehicle.

SECTION 21. The amendment provides that offences under municipal by-laws regulating or prohibiting turns on highways are chargeable only against the driver similar to moving offences under *The Highway Traffic Act*.



**22.**—(1) This Act, except sections 3, 5 and 7 and sub-<sup>Commence-</sup>sections 2 and 3 of section 11, sections 12, 13, 15, 16, 17, ment  
18 and 20, comes into force on the day it receives Royal Assent.

(2) Subsections 2 and 3 of section 11 shall be deemed to <sup>Idem</sup>have come into force on the 1st day of April, 1966.

(3) Sections 5, 12, 13, 15, 16, 17 and 18 and subsection 1 of <sup>Idem</sup>section 20 come into force on the 1st day of September, 1966.

(4) Section 7 comes into force on the 1st day of October, <sup>Idem</sup>1966.

(5) Section 3 comes into force on the 1st day of December, <sup>Idem</sup>1966.

(6) Subsections 2 and 3 of section 20 come into force on a <sup>Idem</sup>day to be named by the Lieutenant Governor by his proclamation.

**23.** This Act may be cited as *The Highway Traffic Amend-* <sup>Short title</sup>  
*ment Act, 1966.*

An Act to amend The Highway Traffic Act

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*1st Reading*

May 24th, 1966

*2nd Reading*

June 1st, 1966

*3rd Reading*

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MR. HASKETT

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*(Reprinted as amended by the Committee  
on Highways and Tourism)*



# **BILL 121**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Highway Traffic Act**

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**MR. HASKETT**

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## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following paragraph: R.S.O. 1960,  
c. 172, s. 1,  
subs. 1,  
amended

24a. "self-propelled implement of husbandry" means a self-propelled implement or machine designed by the manufacturer thereof and used exclusively for farming, but does not include a motor vehicle having attached thereto a truck or delivery body or a farm tractor.

2. Section 3 of *The Highway Traffic Act*, as amended by section 2 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by adding thereto the following subsection: R.S.O. 1960,  
c. 172, s. 3,  
amended

(4) The Deputy Minister, with the consent of the Minister, may authorize any public servant or servants in the Department to exercise any or all of the powers and duties of the Registrar when the Registrar or Deputy Registrar is absent. Delegation  
of powers  
of Registrar

3. Subsection 5 of section 8 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 172, s. 8,  
subs. 5,  
re-enacted

(5) A motorcycle while being driven on a highway shall have exposed on the back thereof a number plate furnished by the Department showing in plain figures, not less than two inches in height, the number of the permit of such motorcycle and so fixed that the number is plainly visible from the rear thereof. Number  
plate on  
motorcycle

4. Section 15 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 172, s. 15,  
re-enacted

15. Sections 13 and 16 and any regulation made thereunder do not apply to any person who is, Exemption  
as to non-  
residents

(a) a resident of any other province of Canada, who is at least sixteen years of age and does not reside or carry on business in Ontario for more than six consecutive months in any one year, provided any such person has complied with the law of the province in which he resides as to the licensing of motor vehicle operators or chauffeurs;

(b) a resident of any other country or state,

(i) who is at least sixteen years of age and is the holder of a valid International Driver's Permit, or

(ii) who is at least sixteen years of age and has not resided in Ontario for more than three months in any one year and has complied with the law of the country or state in which he resides as to the licensing of motor vehicle operators or chauffeurs.

R.S.O. 1960,  
c. 172, s. 33,  
subs. 6  
(1965, c. 46,  
s. 6, subs. 3),  
cl. b,  
amended

5.—(1) Clause *b* of subsection 6 of section 33 of *The Highway Traffic Act*, as re-enacted by subsection 3 of section 6 of *The Highway Traffic Amendment Act, 1965*, is amended by inserting after "on" in the seventh line "the left side of", so that the clause shall read as follows:

(b) every truck tractor having a width at any part in excess of 80 inches shall carry, in addition to the lamps required by subsection 1, two lighted clearance lamps, one on each side of the front of the vehicle, which shall display an amber light, and one lighted clearance lamp on the left side of the rear of the vehicle, which shall display a red light.

R.S.O. 1960,  
c. 172, s. 33,  
subs. 12,  
re-enacted

(2) Subsection 12 of the said section 33 is repealed and the following substituted therefor:

Red light  
in front

(12) In addition to the lighting requirements in this Part, an ambulance, fire department vehicle, police department vehicle, public utility emergency vehicle or school bus may carry a lamp or lamps that cast a red light only or such other colour of light that may, with the approval of the Department, be designated by a by-law of the municipality in which the vehicle is operated, but no other motor vehicle shall carry any lamp that casts a red light to the front.

R.S.O. 1960,  
c. 172,  
amended

6. *The Highway Traffic Act* is amended by adding thereto the following section:



38a. The Lieutenant Governor in Council may make regulations prescribing the standards and specifications of tires to be used on vehicles or any class or classes thereof, and providing for and requiring the identification and marking of tires and prohibiting the sale of tires or any type thereof that do not comply with such standards and specifications and are not marked in accordance with the regulations.

7. *The Highway Traffic Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 172,  
amended

41b.—(1) No person shall drive a motor vehicle upon a highway,

Windows to  
afford clear  
view

(a) unless the windshield and the windows on either side of the compartment containing the steering wheel are in such a condition as to afford the driver a clear view to the front and side of the motor vehicle; and

(b) unless the rear window is in such a condition as to afford the driver a clear view to the rear of the motor vehicle.

(2) Clause *b* of subsection 1 does not apply to a motor vehicle that is equipped with a mirror or mirrors securely attached to the motor vehicle and placed in such a position and maintained in such a condition as to afford the driver, otherwise than through the rear window, a clearly-reflected view of the roadway in the rear or of any vehicle approaching from the rear.

Application  
of subs. 1,  
cl. *b*

8. Subsection 3 of section 42 of *The Highway Traffic Act* is amended by striking out "by cutting out the muffler or otherwise" in the sixth and seventh lines, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 172, s. 42,  
subs. 3,  
amended

(3) A person having the control or charge of a motor vehicle shall not sound any bell, horn or other signaling device so as to make an unreasonable noise, and an operator or chauffeur of any motor vehicle shall not permit any unreasonable amount of smoke to escape from the motor vehicle, nor shall such operator or chauffeur at any time cause the motor vehicle to make any unnecessary noise, but this subsection does not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call.

Unnecessary  
noise



R.S.O. 1960,  
c. 172, s. 49,  
amended

**9.** Section 49 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Application  
where sale  
to another  
dealer

- (4) Subsection 1 does not apply when a motor vehicle is sold by a dealer to another dealer.

R.S.O. 1960,  
c. 172,  
amended

**10.** *The Highway Traffic Act* is amended by adding thereto the following section:

Safety  
devices  
on vehicles

50a. The Lieutenant Governor in Council may make regulations,

- (a) requiring the use or incorporation of any device, in or on any vehicle, that may affect the safe operation of the vehicle on the highway or that may reduce or prevent injury to persons in a vehicle on a highway or to persons using the highway, and prescribing the specifications thereof;
- (b) designating devices and designating an organization to test and mark its approval of any device so designated, and prohibiting the incorporation or use in or on a vehicle of any device so designated that is not marked as approved by the testing organization.

R.S.O. 1960,  
c. 172, s. 52,  
subs. 2,  
amended

**11.**—(1) Subsection 2 of section 52 of *The Highway Traffic Act* is amended by adding thereto the following paragraph:

As to weight  
of trailer

- 1a. The gross weight of a trailer, other than a semi-trailer or pole-trailer, with two axles shall not exceed 32,000 pounds and the weight upon one axle shall not exceed 18,000 pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed 14,000 pounds.

R.S.O. 1960,  
c. 172, s. 52,  
subs. 2a  
(1960-61,  
c. 34, s. 6,  
subs. 6),  
re-enacted

(2) Subsection 2a of the said section 52, as enacted by subsection 6 of section 6 of *The Highway Traffic Amendment Act, 1960-61* and amended by subsection 1 of section 9 of *The Highway Traffic Amendment Act, 1965*, is repealed and the following substituted therefor:

Moving of  
three-axle  
semi-trailers  
or pole  
trailers  
registered  
prior to  
July 1, 1961

- (2a) Notwithstanding paragraph 6 of subsection 2, a semi-trailer or a pole trailer referred to in such paragraph 6 that was registered under this Act prior to the 1st day of July, 1961, subject to section 6, may be moved with a gross weight not exceeding 40,000 pounds on a Class A Highway until and including the 30th day of June, 1967.

(3) Subsection 2b of the said section 52, as re-enacted by *R.S.O. 1960, c. 172, s. 52, subs. 2b* (1962-63, c. 56, s. 10), and amended by subsection 2 of section 9 of *The Highway Traffic Amendment Act, 1965*, is repealed.

**12.**—(1) Subsection 1 of section 56 of *The Highway Traffic Act* is amended by inserting after “sunrise” in the fifth line “or at any other time when there is insufficient light or unfavourable atmospheric conditions”, so that the subsection shall read as follows: *R.S.O. 1960, c. 172, s. 56, subs. 1, amended*

- (1) Every vehicle carrying a load that overhangs the rear of the vehicle to the extent of five feet or more shall display upon such overhanging load at the extreme rear end thereof at any time from one-half hour after sunset to one-half hour before sunrise or at any other time when there is insufficient light or unfavourable atmospheric conditions a red light, and at all other times a red flag or a red wooden or metal sign sufficient to indicate the projection of such load. *Over-hanging loads*

(2) Subsection 2 of the said section 56 is repealed and the following substituted therefor: *R.S.O. 1960, c. 172, s. 56, subs. 2, re-enacted*

- (2) No person shall operate or permit to be operated upon a highway any commercial motor vehicle or trailer unless the load that such vehicle or trailer is carrying is firmly bound, sufficiently covered, or otherwise secured or loaded, in such manner that no portion of the load may become dislodged or fall from the commercial vehicle or trailer. *Commercial vehicle, etc., how to be loaded*

**13.** Subsection 1 of section 69 of *The Highway Traffic Act* is amended by striking out “from a direct line” in the second line and inserting in lieu thereof “at an intersection or into a private road or driveway or from one lane for traffic to another lane for traffic or to leave the roadway”, so that the subsection shall read as follows: *R.S.O. 1960, c. 172, s. 69, subs. 1, amended*

- (1) The driver or operator of a vehicle upon a highway before turning to the left or right at an intersection or into a private road or driveway or from one lane for traffic to another lane for traffic or to leave the roadway shall first see that such movement can be made in safety, and if the operation of any other vehicle may be affected by such movement shall give a signal plainly visible to the driver or operator of such other vehicle of the intention to make such movement. *Signal for left or right turn*

R.S.O. 1960,  
c. 172, s. 70,  
subs. 10,  
re-enacted

**14.** Subsection 10 of section 70 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Rules  
subject to  
signs at  
intersections

- (10) The provisions of this section are subject to any sign forbidding a left or right turn or both that is conspicuously posted at any intersection, and the driver of a vehicle shall obey such sign.

R.S.O. 1960,  
c. 172, s. 72,  
amended

**15.** Section 72 of *The Highway Traffic Act* is amended by striking out "as provided in section 76" in the fifteenth line and inserting in lieu thereof "where there are more such lanes for traffic in one direction than in the other direction", so that the section shall read as follows:

Driving to  
left of  
centre of  
roadway  
under  
certain  
conditions  
prohibited

72. No vehicle shall be driven or operated to the left of the centre of a roadway designed for one or more lines of traffic in each direction,

(a) when approaching the crest of a grade or upon a curve in the roadway or within 100 feet of a bridge, viaduct or tunnel where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction; or

(b) when approaching within 100 feet of or traversing any intersection or level railway crossing, except where a left turn is to be made at an intersection,

but this section does not apply to a highway designated for the use of one-way traffic or to a highway divided into clearly marked lanes where there are more such lanes for traffic in one direction than in the other direction.

R.S.O. 1960,  
c. 172, s. 93,  
subs. 3,  
repealed

**16.** Subsection 3 of section 93 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,  
c. 172, s. 94  
(1960-61,  
c. 34, s. 12),  
subs. 1,  
cl. b,  
amended

**17.—**(1) Clause *b* of subsection 1 of section 94 of *The Highway Traffic Act*, as re-enacted by section 12 of *The Highway Traffic Amendment Act, 1960-61*, is amended by striking out "amber" in the second line and inserting in lieu thereof "red", so that the clause shall read as follows:

- (b) is equipped with two red signal-lights on the rear thereof and two red signal-lights on the front thereof.



(2) Subsections 2 and 3 of the said section 94, as amended by subsections 2, 3 and 4 of section 13 of *The Highway Traffic Amendment Act, 1961-62*, are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 172, s. 94  
(1960-61,  
c. 34, s. 12),  
subs. 2, 3,  
re-enacted

- (2) Where a school bus is stopped on a highway or part of a highway on which the maximum speed limit is greater than 35 miles per hour for the purpose of receiving or discharging school children, the driver of a vehicle,

Duty of  
driver when  
school bus  
stopped on  
highway

- (a) when overtaking a school bus on which the words "do not pass when signals flashing" are marked and two red signal-lights are illuminated by intermittent flashes; and
- (b) when meeting on such a highway, other than a highway with separate roadways, a school bus on the front of which two red signal-lights are illuminated with intermittent flashes,

shall stop the vehicle before reaching the school bus and shall not proceed until the school bus resumes motion or the signal-lights are no longer operating.

- (3) The driver of such a school bus upon a highway or part of a highway on which the maximum speed limit is greater than 35 miles per hour, when he is about to stop the school bus for the purpose of receiving or discharging school children, shall actuate the signal-lights and shall continue them in operation while stopped for such purpose and, in the case of such a highway that does not have separate roadways, until those children who of necessity must cross the highway have completed the crossing.

Duty of  
driver of  
school bus  
to actuate  
signals

**18.** Section 97 of *The Highway Traffic Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 172, s. 97,  
re-enacted

97. Where sidewalks are not provided on a highway, a pedestrian walking along the highway shall walk on the left side thereof facing oncoming traffic and, when walking along the roadway, shall walk as close to the left edge thereof as possible.

Duties of  
pedestrian  
when walking  
along  
highway

**19.** Subsection 1 of section 100a of *The Highway Traffic Act*, as enacted by section 15 of *The Highway Traffic Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 172,  
s. 100a  
(1962-63,  
c. 56, s. 15),  
subs. 1,  
re-enacted

Regulation  
of pedes-  
trians and  
vehicles on  
controlled-  
access  
highways  
R.S.O. 1960,  
c. 171

- (1) The Lieutenant Governor in Council may make regulations prohibiting or regulating the use of a highway designated by the Lieutenant Governor in Council as a controlled-access highway under *The Highway Improvement Act* by pedestrians or animals or any class or classes of vehicles.

R.S.O. 1960,  
c. 172, s. 105,  
amended

**20.**—(1) Section 105 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Consent of  
lessee

- (1a) Where a motor vehicle is leased, the consent of the lessee of the motor vehicle to the operation or possession thereof by some person other than the lessee shall, for the purposes of subsection 1, be deemed to be the consent of the owner of the motor vehicle.

R.S.O. 1960,  
c. 172, s. 105,  
subs. 2,  
amended

(2) Subsection 2 of the said section 105 is amended by adding at the end thereof "except where such loss or damage was caused or contributed to by the gross negligence of the driver of the motor vehicle", so that the subsection shall read as follows:

Liability  
for injury  
to passengers

- (2) Notwithstanding subsection 1, the owner or driver of a motor vehicle, other than a vehicle operated in the business of carrying passengers for compensation, is not liable for any loss or damage resulting from bodily injury to, or the death of any person being carried in, or upon, or entering, or getting on to, or alighting from the motor vehicle, except where such loss or damage was caused or contributed to by the gross negligence of the driver of the motor vehicle.

Application  
of subs. 2

(3) Subsection 2 applies only to loss or damage resulting from bodily injury to, or the death of any person caused by the gross negligence of a driver of a motor vehicle on or after the day subsection 2 comes into force.

R.S.O. 1960,  
c. 172, s. 148,  
subs. 2,  
amended

**21.** Subsection 2 of section 148 of *The Highway Traffic Act* is amended by adding at the end thereof "or of any of the provisions of any by-law passed under any Act regulating or prohibiting turns on a highway", so that the subsection shall read as follows:

Owner when  
not driver  
not liable  
for penalties

- (2) The owner of a motor vehicle except when he is also the driver shall not incur the penalties provided for any contravention of any of the provisions of sections 59 to 87, 91, 94, 99 and 143 or any regulation or by-law made or passed thereunder or of any of the provisions of any by-law passed under any Act regulating or prohibiting turns on a highway.



**22.**—(1) This Act, except sections 3, 5 and 7 and sub-<sup>Commence-</sup>sections 2 and 3 of section 11, sections 12, 13, 15, 16, 17, 18 and 20, comes into force on the day it receives Royal Assent.

(2) Subsections 2 and 3 of section 11 shall be deemed to <sup>Idem</sup> have come into force on the 1st day of April, 1966.

(3) Sections 5, 12, 13, 15, 16, 17 and 18 and subsection 1 of <sup>Idem</sup> section 20 come into force on the 1st day of September, 1966.

(4) Section 7 comes into force on the 1st day of October, <sup>Idem</sup> 1966.

(5) Section 3 comes into force on the 1st day of December, <sup>Idem</sup> 1966.

(6) Subsections 2 and 3 of section 20 come into force on a <sup>Idem</sup> day to be named by the Lieutenant Governor by his proclamation.

**23.** This Act may be cited as *The Highway Traffic Amend-* <sup>Short title</sup>  
*ment Act, 1966.*

An Act to amend The Highway Traffic Act

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*1st Reading*

May 24th, 1966

*2nd Reading*

June 1st, 1966

*3rd Reading*

June 23rd, 1966

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MR. HASKETT

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# **BILL 122**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Ontario Institute for Studies in Education Act, 1965**

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**MR. DAVIS**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

#### EXPLANATORY NOTES

SECTION 1. The Board is now authorized to enter into agreements with similar organizations to provide for the joint operation of research programmes. The amendment will authorize the Board to provide by agreement for the acquisition of the assets of such an organization.

SECTIONS 2 and 3. The amendments are for the purpose of clarification.

BILL 122

1966

## An Act to amend The Ontario Institute for Studies in Education Act, 1965

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subclause v of clause f of section 5 of *The Ontario Institute for Studies in Education Act, 1965* is amended by inserting after "Institute" in the third line "for the acquisition of the assets of the association or organization or", so that the subclause shall read as follows:

- (v) enter into agreements with any association or organization having objects similar to those of the Institute for the acquisition of the assets of the association or organization or providing for the joint operation of research programmes, and

. . . . .

**2.** Section 9 of *The Ontario Institute for Studies in Education Act, 1965* is amended by inserting after "payable" in the second line "to the Board", so that the section shall read as follows:

- (9) The cost of the establishment, maintenance and conduct of the Institute shall be payable to the Board, until the 30th day of June, 1966, out of the Consolidated Revenue Fund, and thereafter out of moneys appropriated therefor by the Legislature and out of revenues derived from tuition fees, grants from individuals and organizations and from other sources.

**3.** Section 11 of *The Ontario Institute for Studies in Education Act, 1965* is amended by striking out "Institute" in the first line and inserting in lieu thereof "Board", so that the section shall read as follows:



Annual  
report

11. The Board shall make a report annually to the Minister upon the affairs of the Institute, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

1965,  
c. 86, s. 12,  
re-enacted

4. Section 12 of *The Ontario Institute for Studies in Education Act, 1965* is repealed and the following substituted therefor:

Property  
vested in  
Board

- 12.—(1) The real and personal property of the Institute shall be vested in the Board, and all income of the Institute, including all moneys referred to in section 9, shall be the property of the Board.

Tax  
exemption

- (2) The real and personal property, business and income of the Institute and the Board and the premises leased to and occupied by the Institute or the Board are not subject to taxation for provincial or municipal or school purposes.

Commence-  
ment

5. This Act shall be deemed to have come into force on the 1st day of January, 1966.

Short title

6. This Act may be cited as *The Ontario Institute for Studies in Education Amendment Act, 1966*.

SECTION 4. Section 12 is revised to make it clear that all property of the Institute is vested in the Board. All property of the Board is now exempt from provincial and municipal taxation. It is made clear that the exemption applies to property leased to and occupied by the Board.





An Act to amend The Ontario Institute  
for Studies in Education Act, 1965

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*1st Reading*

May 24th, 1966

*2nd Reading*

*3rd Reading*

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MR. DAVIS

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# **BILL 122**

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## **An Act to amend The Ontario Institute for Studies in Education Act, 1965**

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MR. DAVIS

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TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, <sup>1</sup>/<sub>2</sub> QUEEN'S PRINTER



BILL 122

1966

## An Act to amend The Ontario Institute for Studies in Education Act, 1965

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause v of clause f of section 5 of *The Ontario Institute for Studies in Education Act, 1965* is amended by <sup>1965, c. 86, s. 5, cl. f, subcl. v, amended</sup> inserting after "Institute" in the third line "for the acquisition of the assets of the association or organization or", so that the subclause shall read as follows:

- (v) enter into agreements with any association or organization having objects similar to those of the Institute for the acquisition of the assets of the association or organization or providing for the joint operation of research programmes, and

2. Section 9 of *The Ontario Institute for Studies in Education Act, 1965* is amended by inserting after "payable" in the second line "to the Board", so that the section shall read as follows:

- (9) The cost of the establishment, maintenance and conduct of the Institute shall be payable to the Board, until the 30th day of June, 1966, out of the Consolidated Revenue Fund, and thereafter out of moneys appropriated therefor by the Legislature and out of revenues derived from tuition fees, grants from individuals and organizations and from other sources.

3. Section 11 of *The Ontario Institute for Studies in Education Act, 1965* is amended by striking out "Institute" in the first line and inserting in lieu thereof "Board", so that the section shall read as follows:

Annual  
report

11. The Board shall make a report annually to the Minister upon the affairs of the Institute, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

1965,  
c. 86, s. 12,  
re-enacted

4. Section 12 of *The Ontario Institute for Studies in Education Act, 1965* is repealed and the following substituted therefor:

Property  
vested in  
Board

- 12.—(1) The real and personal property of the Institute shall be vested in the Board, and all income of the Institute, including all moneys referred to in section 9, shall be the property of the Board.

Tax  
exemption

- (2) The real and personal property, business and income of the Institute and the Board and the premises leased to and occupied by the Institute or the Board are not subject to taxation for provincial or municipal or school purposes.

Commence-  
ment

5. This Act shall be deemed to have come into force on the 1st day of January, 1966.

Short title

6. This Act may be cited as *The Ontario Institute for Studies in Education Amendment Act, 1966*.









An Act to amend The Ontario Institute  
for Studies in Education Act, 1965

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*1st Reading*

May 24th, 1966

*2nd Reading*

June 1st, 1966

*3rd Reading*

June 15th, 1966

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MR. DAVIS

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# **BILL 123**

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## **An Act to amend The Ryerson Polytechnical Institute Act, 1962-63**

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**MR. DAVIS**

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**TORONTO**

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTE

The Bill transfers certain property from the Crown in right of Ontario to the Board.



BILL 123

1966

## An Act to amend The Ryerson Polytechnical Institute Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Ryerson Polytechnical Institute Act*, 1962-63, c. 128, s. 6, 1962-63 is amended by adding thereto the following sub-amended section:

- (2) All property lying within the boundaries described in the Schedule hereto that is vested in Her Majesty in right of Ontario on the 1st day of June, 1966, is vested in the Board.
- Certain  
Crown  
property  
vested in  
Board

2. *The Ryerson Polytechnical Institute Act*, 1962-63 is amended by adding thereto the following Schedule:

1962-63,  
c. 128,  
amended

### SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Toronto, in the County of York, in the Province of Ontario and being composed of Lots 12 and 13 and part of Lot 14 on the north side of Gerrard Street East; Lots 32 and 33 on the west side of Church Street; part of Lots 36, 37 and 42 on the east side of Church Street; Lots 81 to 92 inclusive on the east side of Victoria Street, Lots 35 to 46 inclusive on the west side of Bond Street, the lane lying between Lots 81 to 92 inclusive on the east side of Victoria Street and Lots 35 to 46 inclusive on the west side of Bond Street, Lots 71 to 82 inclusive on the east side of Bond Street, Lots 34 to 44 on the west side of Church Street, the lane lying between Lots 71 to 82 inclusive on the east side of Bond Street and Lots 34 to 44 inclusive on the west side of Church Street, and that part of Bond Street lying between the north side of Gould Street and the south side of Gerrard Street; all according to a plan on file in the Registry Office for the Registry Division of the City of Toronto as No. 22A, and part of Lots 55, 56 and 57 on the south side of McGill Street, according to a plan on file in the Registry Office for the Registry Division of the City of Toronto as No. 203;

PREMISING that the bearings herein are assumed and are referred to the southerly limit of Gerrard Street having a bearing of North seventy-four degrees East (N. 74° E.) in accordance with the said Plan 22A and relating all bearings herein thereto;

*Firstly:*

BEING Lots 81 to 92 inclusive on the east side of Victoria Street, Lots 35 to 46 inclusive on the west side of Bond Street, the lane lying between Lots 81 to 92 inclusive on the east side of Victoria Street and Lots 35 to 46 inclusive on the west side of Bond Street, Lots 71 to 82 inclusive on the east side of Bond Street, Lots 34 to 44 on the west side of Church Street, the lane lying between Lots 71 to 82 inclusive on the east side of Bond Street and Lots 34 to 44 inclusive on the west side of Church Street and that part of Bond Street lying between the north side of Gould Street and the south side of Gerrard Street;

COMMENCING in the westerly limit of Church Street where the same is intersected by the northerly limit of Gould Street;

THENCE North sixteen degrees West (N. 16° W.) along the said western limit of Church Street five hundred and sixty-seven feet (567.00'), more or less, to the southerly limit of Gerrard Street;

THENCE South seventy-four degrees West (S. 74° W.) along the said southerly limit of Gerrard Street, five hundred and seventy-three feet (573.00'), more or less, to the easterly limit of Victoria Street;

THENCE South sixteen degrees East (S. 16° E.) along the said easterly limit of Victoria Street five hundred and sixty-seven feet (567.00'), more or less, to the said northerly limit of Gould Street;

THENCE North seventy-four degrees East (N. 74° E.) along the said northerly limit of Gould Street, five hundred and seventy-two feet (572.00'), more or less, to the place of beginning;

AND SUBJECT to an agreement with the Toronto Hydro-Electric System for the right to use the portion of the lands above described as shown in red on a Toronto Hydro-Electric System Plan No. 7159-D1;

AND DESIGNATED AS PART 1 on Department of Public Works, Ontario, Plan of Survey No. 138-6L;

*Secondly:*

BEING Lots 32 and 33 on the west side of Church Street according to the said Plan 22A;

COMMENCING at the southwesterly corner of Church and Gould Streets according to the said Plan 22A, being also the northeasterly angle of the said Lot 33;

THENCE westerly along the said southerly limit of Gould Street, being also the northerly limit of the said Lot 33, one hundred and seventeen and thirty-three one-hundredths feet (117.33'), more or less, to the northwesterly angle of the said Lot 33, being also a point in the easterly limit of a lane;

THENCE southerly along the easterly limit of the said lane, being also the westerly limits of the said Lots 33 and 32, one hundred and nine and twenty-three one-hundredths feet (109.23') to the point of intersection therewith of the production westerly in a straight line of the northerly face of the northerly wall of a two-storey brick building standing in November 1958, upon the lands lying immediately to the south of the lands herein described;

THENCE easterly along the said production and the said northerly face of wall and along the northerly face of the northerly wall of a one-storey concrete block building standing in November 1958, immediately to the east of the said brick building and continuing easterly in a straight line along the production easterly of the last-mentioned face of wall, in all a distance of one hundred and seventeen and twenty-one one-hundredths feet (117.21'), more or less, to a point in the westerly limit of Church Street according to the said Plan 22A;

THENCE northerly along the said westerly limit of Church Street, being also the easterly limits of the said Lots 32 and 33, one hundred and nine and nine-eighths one-hundredths feet (109.38'), more or less, to the place of beginning;

AND DESIGNATED AS PART 2 on Department of Public Works, Ontario, Plan of Survey No. 138-6L;

*Thirdly:*

BEING Part of Lots 36 and 37 on the east side of Church Street according to the said Plan 22A;

COMMENCING at a point where the easterly limit of Church Street would be intersected by the limit between the north and south halves of the said Lot 36, the said point of commencement being distant four hundred and thirty-one feet (431.00'), more or less, measured southerly along the said easterly limit of Church Street from the southerly limit of Gerrard Street East;

THENCE northerly along the said limit of Church Street fifty and seventy-one one-hundredths feet (50.71'), more or less, to the point of intersection with the production westerly of the northerly face of the brick wall of the front part of house No. 309 Church Street;

THENCE easterly along the said produced line and along the said northerly face of brick wall of house No. 309 and along the line of old fence in rear thereof, referred to in Instrument filed in the said Registry Office as No. 12548EP, to a point in the easterly limit of the said Lot 37, distant twenty-five and twenty-five one-hundredths feet (25.25') measured northerly from the southerly limit of the said Lot 37;

THENCE southerly along the easterly limit of the said Lots 37 and 36, fifty and twenty-five one-hundredths feet (50.25'), more or less, to its intersection with a line drawn on a course North seventy-four degrees East (N. 74° E.) parallel with Gerrard Street East, through the said point of commencement;

THENCE South seventy-four degrees West (S. 74° W.) parallel with Gerrard Street East, one hundred and ten feet (110.00'), more or less, to the point of commencement, being premises Nos. 303, 307 and 309 Church Street;

AND DESIGNATED AS PART 3 on Department of Public Works, Ontario, Plan of Survey No. 138-6L;

*Fourthly:*

BEING Part of Lot 42 on the east side of Church Street according to the said Plan 22A;

COMMENCING at a point in the easterly limit of Church Street, where the said limit would be intersected by the production westerly of the centre line of partition wall between the brick dwelling house standing in December 1956 upon the lands herein described and the next dwelling house to the north thereof, the said point of intersection being distant seventeen and eight one-hundredths feet (17.08') measured southerly along the said easterly limit of Church Street from the existing northerly limit of the said Lot 42;

THENCE easterly to and along the said centre line of wall and continuing easterly in a straight line, to and along the southerly face of the southerly wall of a brick garage building standing in December 1956 upon the northeasterly part of the said Lot 42, in all a distance of one hundred and ten and seventy-one one-hundredths feet (110.71'), more or less, to the westerly limit of Dalhousie Street, distant seventeen feet (17.00') measured southerly thereon from the said existing northerly limit of Lot 42;



THENCE southerly along the said westerly limit of Dalhousie Street, seventeen feet (17.00'), more or less, to its intersection with the line of a board fence running easterly, being a point distant sixteen and thirty-five one-hundredths feet (16.35') measured northerly along the said westerly limit of Dalhousie Street from the southeasterly angle of the said Lot 42;

THENCE westerly along the line of the said board fence, sixty-two and nineteen one-hundredths feet (62.19'), more or less, to the easterly face of the easterly wall of the front part of the brick dwelling house standing at December 1956 upon the lands to the south of the lands herein described;

THENCE northerly along the said easterly face of wall, ten one-hundredths feet (0.10'), more or less, to its intersection with the centre line of the partition wall between the said dwelling house standing upon the lands herein described and the said dwelling house standing upon the lands immediately to the south thereof;

THENCE westerly along the last-mentioned centre line of wall and continuing westerly parallel to the said southerly limit of Lot 42, forty-eight and fifty one-hundredths feet (48.50'), more or less, to the said easterly limit of Church Street;

THENCE northerly along the said easterly limit of Church Street, sixteen and fifty-two one-hundredths feet (16.52'), more or less, to the point of commencement;

AND DESIGNATED AS PART 4 on Department of Public Works, Ontario, Plan of Survey No. 138-6L;

*Fifthly:*

BEING Lots 12 and 13 and Part of Lot 14 on the north side of Gerrard Street according to the said Plan 22A and Parts of Lots 55, 56 and 57 on the south side of McGill Street according to the said Plan 203;

COMMENCING at the southwesterly angle of said Lot 12;

THENCE easterly along the southerly limits of said Lots Numbers 12, 13 and 14, being also the northerly limit of Gerrard Street East, one-hundred and two and fifty one-hundredths feet (102.50') to a point in the said southerly limit of Lot 14 where the same is intersected by a line drawn parallel to the westerly limit of said Lot No. 14 and distant two and fifty one-hundredths feet (2.50') measured easterly therefrom and at right angles thereto;

THENCE northerly along the said parallel line, one hundred and one and fifty-four one-hundredths feet (101.54'), more or less, to the northerly limit of said Lot 14;

THENCE continuing northerly and parallel to the easterly limit of said Lot 55 according to Registered Plan No. 203, twenty-six and fifteen one-hundredths feet (26.15');

THENCE easterly and parallel to the southerly limit of said Lot 55, two feet (2.00');

THENCE northerly and parallel to the said easterly limit of Lot 55, twenty-two and eighty-five one-hundredths feet (22.85'), more or less, to a point in the southerly face of the southerly wall of a brick building standing in the year 1941 on the lands to the north thereof;

THENCE westerly and parallel to the southerly limits of said Lots 55 and 56 thirty-four and ninety-six one-hundredths feet (34.96'), to the easterly limit of said Lot 56;

THENCE northerly along the said easterly limit, fourteen feet (14.00'), more or less, to the projection easterly of the southerly limit of the lands registered in the Land Titles Office at Toronto as Parcel 66 Section 'M' Toronto;

THENCE westerly, to and along the southerly limit of said Parcel 66 Section 'M' Toronto, sixty-seven and sixty-seven one-hundredths feet (67.67'), more or less, to a point where the same is intersected by the projection northerly of the westerly limit of said Lot 12;

THENCE southerly in a straight line, to and along the said westerly limit of Lot 12, one hundred and sixty-five and forty one-hundredths feet (165.40'), more or less, to the point of commencement;

AND DESIGNATED AS PART 5 on Department of Public Works, Ontario, Plan of Survey No. 138-6L;

*Sixthly:*

ALL OF PARCEL 14, Section M, in the Office of Land Titles, Toronto, being part of Lots 56 and 57 on the south side of McGill Street according to the said Plan 203;

COMMENCING at a point on the southerly limit of McGill Street distant eleven and sixty-seven one-hundredths feet (11.67') westerly from the northeast angle of said Lot 56, said point being also in the existing westerly limit of a lane;

THENCE westerly along the said southerly limit of McGill Street, seventy-three and ninety-six one-hundredths feet (73.96'), to its intersection with the production northerly of the centre line of the partition wall between the most westerly house on this land and the house on the land to the west thereof;

THENCE southerly along the said production of, and along the said centre line and along the fence line in rear thereof, in all a distance of seventy-one and eight one-hundredths feet (71.08'), to the northerly limit of a lane;

THENCE easterly along the said northerly limit of the lane, seventy-three and sixty-seven one-hundredths feet (73.67'), to its intersection with the existing westerly limit of a lane leading northerly to McGill Street, said point of intersection being also distant twelve and eight one-hundredths feet (12.08') measured westerly on a course parallel with McGill Street from the easterly limit of said Lot 56;

THENCE northerly along the said westerly limit of lane seventy-one and eight one-hundredths feet (71.08') to the point of commencement;

AND DESIGNATED AS PART 6 on Department of Public Works, Ontario, Plan of Survey No. 138-6L;

*Seventhly:*

ALL OF PARCEL 66, Section M, in the Office of Land Titles, Toronto, being part of Lots 56 and 57 on the south side of McGill Street according to the said Plan 203;

COMMENCING at a point in the southerly limit of McGill Street at the easterly limit of a private lane running southerly from the north boundary of Lot 56 and distant westerly one and seventy-nine one-hundredths feet (1.79'), more or less, from the northeast angle of Lot 56;

THENCE westerly along the southerly limit of McGill Street nine and eighty-eight one-hundredths feet (9.88'), more or less, to the westerly limit of said private lane, being also the east limit of land entered in the Office for Land Titles as Parcel 14 in the Register for Section 'M' Toronto;

THENCE southerly along the westerly limit of said private lane seventy-one and eight one-hundredths feet (71.08'), more or less, to the northerly limit of a lane running westerly, being also the south limit of said Parcel 14;



THENCE westerly along the northerly limit of last-mentioned lane seventy-three and sixty-seven one-hundredths feet (73.67'), more or less, to the intersection of such north limit with the production southerly of the fence line in the rear of premises Numbers 59 and 57 McGill Street and separating the same, such point of intersection being also the southwesterly angle of said Parcel 14;

THENCE southerly parallel to Church Street ten feet (10.00'), more or less, to the southerly limit of last-mentioned lane;

THENCE easterly along the said southerly limit of lane eighty-three and ninety-six one-hundredths feet (83.96'), more or less, to the easterly limit of the first-mentioned lane;

THENCE northerly along said easterly limit of lane eighty-one and eight one-hundredths feet (81.08'), more or less, to the point of beginning;

AND DESIGNATED AS PART 7 on Department of Public Works, Ontario, Plan of Survey No. 138-6L.

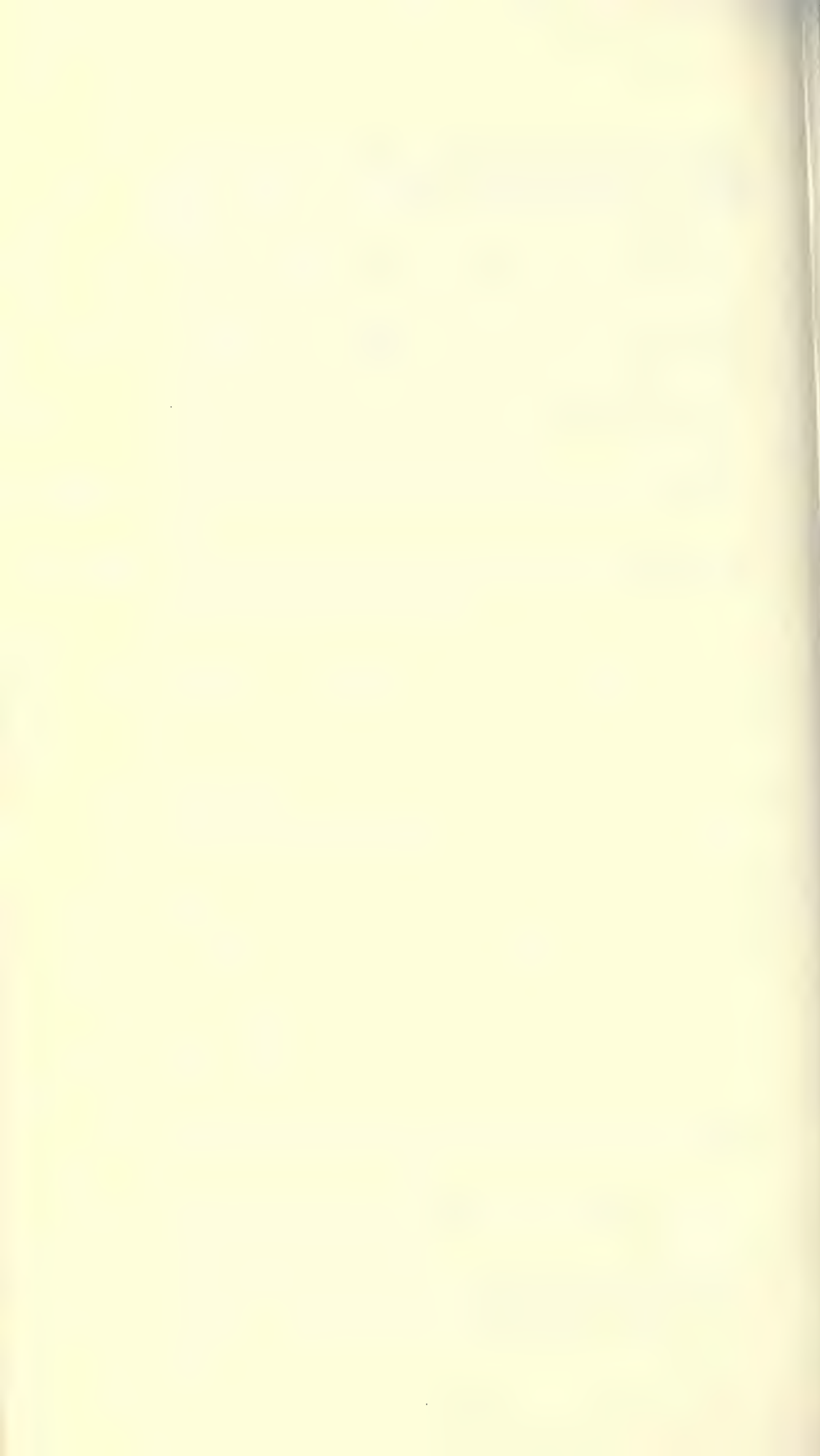
Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Ryerson Polytechnical Institute Amendment Act, 1966*.







An Act to amend The Kyerson  
Polytechnical Institute Act, 1962-63

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*1st Reading*

May 24th, 1966

*2nd Reading*

*3rd Reading*

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MR. DAVIS

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# **BILL 123**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Ryerson Polytechnical Institute Act, 1962-63**

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**MR. DAVIS**

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BILL 123

1966

## An Act to amend The Ryerson Polytechnical Institute Act, 1962-63

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Ryerson Polytechnical Institute Act*, <sup>1962-63, c. 128, s. 6,</sup> 1962-63 is amended by adding thereto the following sub-amended section:

- (2) All property lying within the boundaries described in the Schedule hereto that is vested in Her Majesty in right of Ontario on the 1st day of June, 1966, <sup>Certain Crown property vested in Board</sup> is vested in the Board.

2. *The Ryerson Polytechnical Institute Act*, 1962-63 is <sup>1962-63, c. 128,</sup> amended by adding thereto the following Schedule: <sup>amended</sup>

### SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Toronto, in the County of York, in the Province of Ontario and being composed of Lots 12 and 13 and part of Lot 14 on the north side of Gerrard Street East; Lots 32 and 33 on the west side of Church Street; part of Lots 36, 37 and 42 on the east side of Church Street; Lots 81 to 92 inclusive on the east side of Victoria Street, Lots 35 to 46 inclusive on the west side of Bond Street, the lane lying between Lots 81 to 92 inclusive on the east side of Victoria Street and Lots 35 to 46 inclusive on the west side of Bond Street, Lots 71 to 82 inclusive on the east side of Bond Street, Lots 34 to 44 on the west side of Church Street, the lane lying between Lots 71 to 82 inclusive on the east side of Bond Street and Lots 34 to 44 inclusive on the west side of Church Street, and that part of Bond Street lying between the north side of Gould Street and the south side of Gerrard Street; all according to a plan on file in the Registry Office for the Registry Division of the City of Toronto as No. 22A, and part of Lots 55, 56 and 57 on the south side of McGill Street, according to a plan on file in the Registry Office for the Registry Division of the City of Toronto as No. 203;

PREMISING that the bearings herein are assumed and are referred to the southerly limit of Gerrard Street having a bearing of North seventy-four degrees East (N. 74° E.) in accordance with the said Plan 22A and relating all bearings herein thereto;

*Firstly:*

BEING Lots 81 to 92 inclusive on the east side of Victoria Street, Lots 35 to 46 inclusive on the west side of Bond Street, the lane lying between Lots 81 to 92 inclusive on the east side of Victoria Street and Lots 35 to 46 inclusive on the west side of Bond Street, Lots 71 to 82 inclusive on the east side of Bond Street, Lots 34 to 44 on the west side of Church Street, the lane lying between Lots 71 to 82 inclusive on the east side of Bond Street and Lots 34 to 44 inclusive on the west side of Church Street and that part of Bond Street lying between the north side of Gould Street and the south side of Gerrard Street;

COMMENCING in the westerly limit of Church Street where the same is intersected by the northerly limit of Gould Street;

THENCE North sixteen degrees West (N. 16° W.) along the said western limit of Church Street five hundred and sixty-seven feet (567.00'), more or less, to the southerly limit of Gerrard Street;

THENCE South seventy-four degrees West (S. 74° W.) along the said southerly limit of Gerrard Street, five hundred and seventy-three feet (573.00'), more or less, to the easterly limit of Victoria Street;

THENCE South sixteen degrees East (S. 16° E.) along the said easterly limit of Victoria Street five hundred and sixty-seven feet (567.00'), more or less, to the said northerly limit of Gould Street;

THENCE North seventy-four degrees East (N. 74° E.) along the said northerly limit of Gould Street, five hundred and seventy-two feet (572.00'), more or less, to the place of beginning;

AND SUBJECT TO an agreement with the Toronto Hydro-Electric System for the right to use the portion of the lands above described as shown in red on a Toronto Hydro-Electric System Plan No. 7159-D1;

AND DESIGNATED AS PART 1 on Department of Public Works, Ontario, Plan of Survey No. 138-6L;

*Secondly:*

BEING Lots 32 and 33 on the west side of Church Street according to the said Plan 22A;

COMMENCING at the southwesterly corner of Church and Gould Streets according to the said Plan 22A, being also the northeasterly angle of the said Lot 33;

THENCE westerly along the said southerly limit of Gould Street, being also the northerly limit of the said Lot 33, one hundred and seventeen and thirty-three one-hundredths feet (117.33'), more or less, to the northwesterly angle of the said Lot 33, being also a point in the easterly limit of a lane;

THENCE southerly along the easterly limit of the said lane, being also the westerly limits of the said Lots 33 and 32, one hundred and nine and twenty-three one-hundredths feet (109.23') to the point of intersection therewith of the production westerly in a straight line of the northerly face of the northerly wall of a two-storey brick building standing in November 1958, upon the lands lying immediately to the south of the lands herein described;

THENCE easterly along the said production and the said northerly face of wall and along the northerly face of the northerly wall of a one-storey concrete block building standing in November 1958, immediately to the east of the said brick building and continuing easterly in a straight line along the production easterly of the last-mentioned face of wall, in all a distance of one hundred and seventeen and twenty-one one-hundredths feet (117.21'), more or less, to a point in the westerly limit of Church Street according to the said Plan 22A;



THENCE northerly along the said westerly limit of Church Street, being also the easterly limits of the said Lots 32 and 33, one hundred and nine and thirty-eight one-hundredths feet (109.38'), more or less, to the place of beginning;

AND DESIGNATED AS PART 2 on Department of Public Works, Ontario, Plan of Survey No. 138-6L;

*Thirdly:*

BEING Part of Lots 36 and 37 on the east side of Church Street according to the said Plan 22A;

COMMENCING at a point where the easterly limit of Church Street would be intersected by the limit between the north and south halves of the said Lot 36, the said point of commencement being distant four hundred and thirty-one feet (431.00'), more or less, measured southerly along the said easterly limit of Church Street from the southerly limit of Gerrard Street East;

THENCE northerly along the said limit of Church Street fifty and seventy-one one-hundredths feet (50.71'), more or less, to the point of intersection with the production westerly of the northerly face of the brick wall of the front part of house No. 309 Church Street;

THENCE easterly along the said produced line and along the said northerly face of brick wall of house No. 309 and along the line of old fence in rear thereof, referred to in Instrument filed in the said Registry Office as No. 12548EP, to a point in the easterly limit of the said Lot 37, distant twenty-five and twenty-five one-hundredths feet (25.25') measured northerly from the southerly limit of the said Lot 37;

THENCE southerly along the easterly limit of the said Lots 37 and 36, fifty and twenty-five one-hundredths feet (50.25'), more or less, to its intersection with a line drawn on a course North seventy-four degrees East (N. 74° E.) parallel with Gerrard Street East, through the said point of commencement;

THENCE South seventy-four degrees West (S. 74° W.) parallel with Gerrard Street East, one hundred and ten feet (110.00'), more or less, to the point of commencement, being premises Nos. 303, 307 and 309 Church Street;

AND DESIGNATED AS PART 3 on Department of Public Works, Ontario, Plan of Survey No. 138-6L;

*Fourthly:*

BEING Part of Lot 42 on the east side of Church Street according to the said Plan 22A;

COMMENCING at a point in the easterly limit of Church Street, where the said limit would be intersected by the production westerly of the centre line of partition wall between the brick dwelling house standing in December 1956 upon the lands herein described and the next dwelling house to the north thereof, the said point of intersection being distant seventeen and eight one-hundredths feet (17.08') measured southerly along the said easterly limit of Church Street from the existing northerly limit of the said Lot 42;

THENCE easterly to and along the said centre line of wall and continuing easterly in a straight line, to and along the southerly face of the southerly wall of a brick garage building standing in December 1956 upon the northeasterly part of the said Lot 42, in all a distance of one hundred and ten and seventy-one one-hundredths feet (110.71'), more or less, to the westerly limit of Dalhousie Street, distant seventeen feet (17.00') measured southerly thereon from the said existing northerly limit of Lot 42;



THENCE southerly along the said westerly limit of Dalhousie Street, seventeen feet (17.00'), more or less, to its intersection with the line of a board fence running easterly, being a point distant sixteen and thirty-five one-hundredths feet (16.35') measured northerly along the said westerly limit of Dalhousie Street from the southeasterly angle of the said Lot 42;

THENCE westerly along the line of the said board fence, sixty-two and nineteen one-hundredths feet (62.19'), more or less, to the easterly face of the easterly wall of the front part of the brick dwelling house standing at December 1956 upon the lands to the south of the lands herein described;

THENCE northerly along the said easterly face of wall, ten one-hundredths feet (0.10'), more or less, to its intersection with the centre line of the partition wall between the said dwelling house standing upon the lands herein described and the said dwelling house standing upon the lands immediately to the south thereof;

THENCE westerly along the last-mentioned centre line of wall and continuing westerly parallel to the said southerly limit of Lot 42, forty-eight and fifty one-hundredths feet (48.50'), more or less, to the said easterly limit of Church Street;

THENCE northerly along the said easterly limit of Church Street, sixteen and fifty-two one-hundredths feet (16.52'), more or less, to the point of commencement;

AND DESIGNATED AS PART 4 on Department of Public Works, Ontario, Plan of Survey No. 138-6L;

*Fifthly:*

BEING Lots 12 and 13 and Part of Lot 14 on the north side of Gerrard Street according to the said Plan 22A and Parts of Lots 55, 56 and 57 on the south side of McGill Street according to the said Plan 203;

COMMENCING at the southwesterly angle of said Lot 12;

THENCE easterly along the southerly limits of said Lots Numbers 12, 13 and 14, being also the northerly limit of Gerrard Street East, one-hundred and two and fifty one-hundredths feet (102.50') to a point in the said southerly limit of Lot 14 where the same is intersected by a line drawn parallel to the westerly limit of said Lot No. 14 and distant two and fifty one-hundredths feet (2.50') measured easterly therefrom and at right angles thereto;

THENCE northerly along the said parallel line, one hundred and one and fifty-four one-hundredths feet (101.54'), more or less, to the northerly limit of said Lot 14;

THENCE continuing northerly and parallel to the easterly limit of said Lot 55 according to Registered Plan No. 203, twenty-six and fifteen one-hundredths feet (26.15');

THENCE easterly and parallel to the southerly limit of said Lot 55, two feet (2.00');

THENCE northerly and parallel to the said easterly limit of Lot 55, twenty-two and eighty-five one-hundredths feet (22.85'), more or less, to a point in the southerly face of the southerly wall of a brick building standing in the year 1941 on the lands to the north thereof;

THENCE westerly and parallel to the southerly limits of said Lots 55 and 56 thirty-four and ninety-six one-hundredths feet (34.96'), to the easterly limit of said Lot 56;

THENCE northerly along the said easterly limit, fourteen feet (14.00'), more or less, to the projection easterly of the southerly limit of the lands registered in the Land Titles Office at Toronto as Parcel 66 Section 'M' Toronto;

THENCE westerly, to and along the southerly limit of said Parcel 66 Section 'M' Toronto, sixty-seven and sixty-seven one-hundredths feet (67.67'), more or less, to a point where the same is intersected by the projection northerly of the westerly limit of said Lot 12;

THENCE southerly in a straight line, to and along the said westerly limit of Lot 12, one hundred and sixty-five and forty one-hundredths feet (165.40'), more or less, to the point of commencement;

AND DESIGNATED AS PART 5 on Department of Public Works, Ontario, Plan of Survey No. 138-6L;

*Sixthly:*

ALL OF PARCEL 14, Section M, in the Office of Land Titles, Toronto, being part of Lots 56 and 57 on the south side of McGill Street according to the said Plan 203;

COMMENCING at a point on the southerly limit of McGill Street distant eleven and sixty-seven one-hundredths feet (11.67') westerly from the northeast angle of said Lot 56, said point being also in the existing westerly limit of a lane;

THENCE westerly along the said southerly limit of McGill Street, seventy-three and ninety-six one-hundredths feet (73.96'), to its intersection with the production northerly of the centre line of the partition wall between the most westerly house on this land and the house on the land to the west thereof;

THENCE southerly along the said production of, and along the said centre line and along the fence line in rear thereof, in all a distance of seventy-one and eight one-hundredths feet (71.08'), to the northerly limit of a lane;

THENCE easterly along the said northerly limit of the lane, seventy-three and sixty-seven one-hundredths feet (73.67'), to its intersection with the existing westerly limit of a lane leading northerly to McGill Street, said point of intersection being also distant twelve and eight one-hundredths feet (12.08') measured westerly on a course parallel with McGill Street from the easterly limit of said Lot 56;

THENCE northerly along the said westerly limit of lane seventy-one and eight one-hundredths feet (71.08') to the point of commencement;

AND DESIGNATED AS PART 6 on Department of Public Works, Ontario, Plan of Survey No. 138-6L;

*Seventhly:*

ALL OF PARCEL 66, Section M, in the Office of Land Titles, Toronto, being part of Lots 56 and 57 on the south side of McGill Street according to the said Plan 203;

COMMENCING at a point in the southerly limit of McGill Street at the easterly limit of a private lane running southerly from the north boundary of Lot 56 and distant westerly one and seventy-nine one-hundredths feet (1.79'), more or less, from the northeast angle of Lot 56;

THENCE westerly along the southerly limit of McGill Street nine and eighty-eight one-hundredths feet (9.88'), more or less, to the westerly limit of said private lane, being also the east limit of land entered in the Office for Land Titles as Parcel 14 in the Register for Section 'M' Toronto;

THENCE southerly along the westerly limit of said private lane seventy-one and eight one-hundredths feet (71.08'), more or less, to the northerly limit of a lane running westerly, being also the south limit of said Parcel 14;

THENCE westerly along the northerly limit of last-mentioned lane seventy-three and sixty-seven one-hundredths feet (73.67'), more or less, to the intersection of such north limit with the production southerly of the fence line in the rear of premises Numbers 59 and 57 McGill Street and separating the same, such point of intersection being also the southwesterly angle of said Parcel 14;

THENCE southerly parallel to Church Street ten feet (10.00'), more or less, to the southerly limit of last-mentioned lane;

THENCE easterly along the said southerly limit of lane eighty-three and ninety-six one-hundredths feet (83.96'), more or less, to the easterly limit of the first-mentioned lane;

THENCE northerly along said easterly limit of lane eighty-one and eight one-hundredths feet (81.08'), more or less, to the point of beginning;

AND DESIGNATED AS PART 7 on Department of Public Works, Ontario, Plan of Survey No. 138-6L.

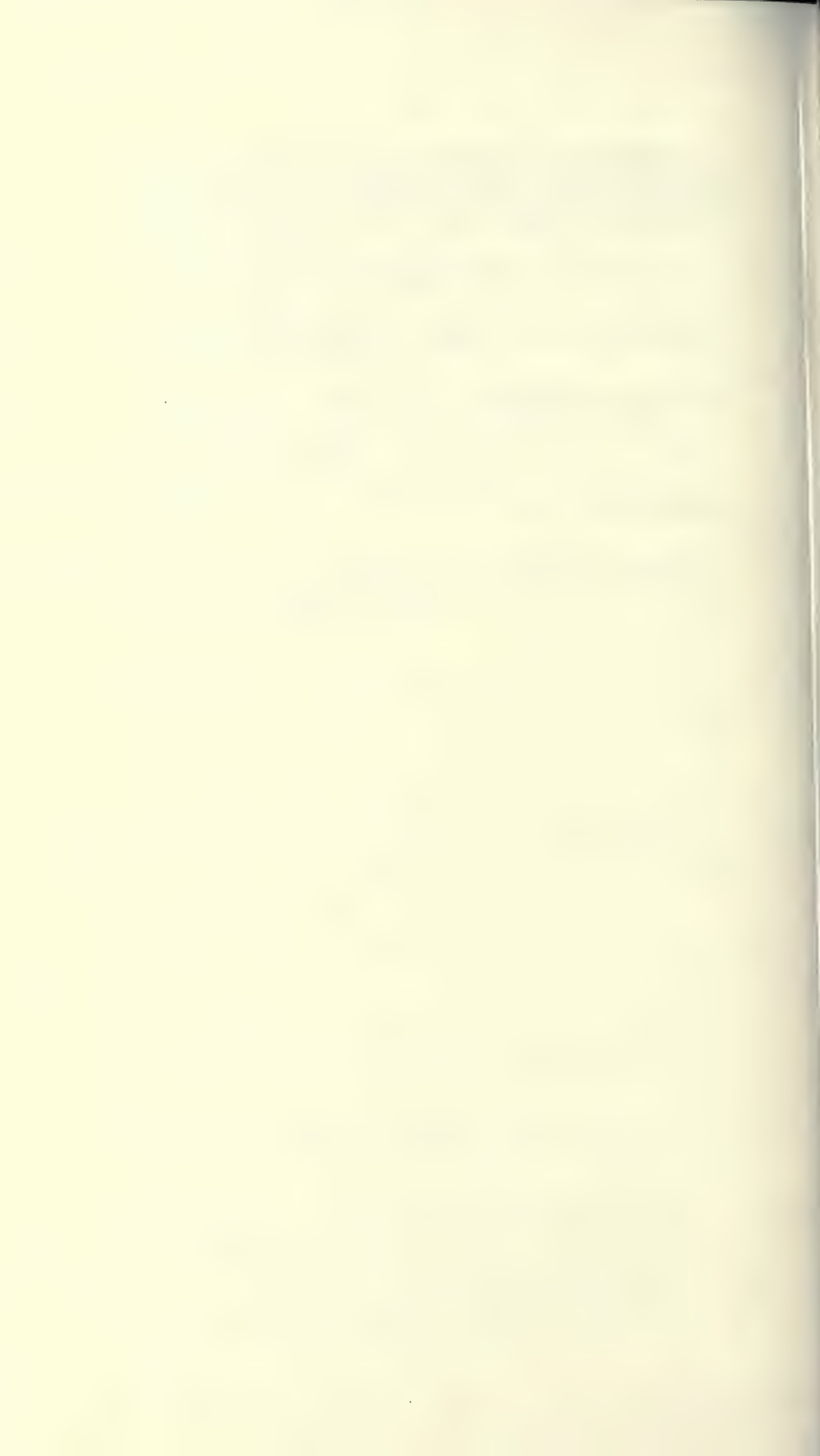
Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Ryerson Polytechnical Institute Amendment Act, 1966*.









An Act to amend The Ryerson  
Polytechnical Institute Act, 1962-63

---

*1st Reading*

May 24th, 1966

*2nd Reading*

June 1st, 1966

*3rd Reading*

June 15th, 1966

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Mr. DAVIS

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# **BILL 124**

4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

## **An Act to amend The Municipal Unconditional Grants Act**

MR. SPOONER

#### EXPLANATORY NOTE

Section 8*a* is revised to make it clear that grants may be paid in any year following the year in which the municipalities become eligible for such grants.

BILL 124

1966

## An Act to amend The Municipal Unconditional Grants Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8a of *The Municipal Unconditional Grants Act*, R.S.O. 1960, c. 259, s. 8a, as re-enacted by subsection 1 of section 1 of *The Municipal Unconditional Grants Amendment Act, 1964*, (1964, c. 69, s. 1, subs. 1), re-enacted, is repealed and the following substituted therefor:

8a.—(1) Where a metropolitan municipality, a city or separated town in a county, a county or a municipality in a territorial district incurs an expenditure, Grants re indigent hospitalization

(a) for premiums payable to the Ontario Hospital Services Commission to insure indigent persons of such municipality; or

(b) to discharge a liability under sections 18 and 27 of *The Public Hospitals Act* or section 22 of *The Private Hospitals Act*, R.S.O. 1960, cc. 322, 305

such municipality shall be eligible in any year to receive an annual grant equal to 80 per cent of such expenditure for the preceding year less 50 per cent of the amount recovered by such municipality under sections 29 and 30 of *The Public Hospitals Act* in such preceding year.

(2) A grant under subsection 1 shall be paid out of the moneys appropriated therefor by the Legislature and may be paid in any year following the year in which the expenditure is incurred. How grants payable

2. This Act shall be deemed to have come into force on the 1st day of January, 1966. Commencement

3. This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1966*. Short title



An Act to amend  
The Municipal Unconditional Grants Act

---

*1st Reading*

May 25th, 1966

*2nd Reading*

*3rd Reading*

---

MR. SPOONER

---

# **BILL 124**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Municipal Unconditional Grants Act**

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**MR. SPOONER**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**



BILL 124

1966

## An Act to amend The Municipal Unconditional Grants Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8a of *The Municipal Unconditional Grants Act*, R.S.O. 1960, c. 259, s. 8a as re-enacted by subsection 1 of section 1 of *The Municipal Unconditional Grants Amendment Act, 1964*, (1964, c. 69, s. 1, subs. 1), is repealed and the following substituted therefor: re-enacted

8a.—(1) Where a metropolitan municipality, a city or separated town in a county, a county or a municipality in a territorial district incurs an expenditure, Grants re indigent hospitalization

(a) for premiums payable to the Ontario Hospital Services Commission to insure indigent persons of such municipality; or

(b) to discharge a liability under sections 18 and 27 of *The Public Hospitals Act* or section 22 of *The Private Hospitals Act*, R.S.O. 1960, cc. 322, 395

such municipality shall be eligible in any year to receive an annual grant equal to 80 per cent of such expenditure for the preceding year less 50 per cent of the amount recovered by such municipality under sections 29 and 30 of *The Public Hospitals Act* in such preceding year.

(2) A grant under subsection 1 shall be paid out of the moneys appropriated therefor by the Legislature and may be paid in any year following the year in which the expenditure is incurred. How grants payable

2. This Act shall be deemed to have come into force on the 1st day of January, 1966. Commence-ment

3. This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1966*. Short title

An Act to amend  
The Municipal Unconditional Grants Act

---

*1st Reading*

May 25th, 1966

*2nd Reading*

June 1st, 1966

*3rd Reading*

June 15th, 1966

---

MR. SPOONER

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# **BILL 125**

---

4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## **An Act to amend The Municipal Franchises Act**

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**MR. SPOONER**

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#### EXPLANATORY NOTE

The period for which the Ontario Municipal Board may approve a franchise is extended from 1 year to 3 years.

BILL 125

1966

## An Act to amend The Municipal Franchises Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of subsection 1 of section 6 of *The Municipal Franchises Act* is amended by striking out "one year" in the second line and inserting in lieu thereof "three years", so that the clause shall read as follows:

R.S.O. 1960,  
c. 255, s. 6,  
subs. 1,  
cl. *d*,  
so amended

(*d*) that is expressly limited in its operation to a period not exceeding three years and is approved by the Ontario Municipal Board.

limited to  
three years

2. Section 7 of *The Municipal Franchises Act* is amended by inserting after "of" in the first line "subsection 1 of" and by striking out "one year" in the sixth line and inserting in lieu thereof "three years", so that the section shall read as follows:

R.S.O. 1960,  
c. 255, s. 7,  
amended

7. Where a by-law to which clause *d* of subsection 1 of section 6 applies is passed, that clause does not apply to any subsequent by-law in respect of the same works or any part of them or to an extension of or addition to them, although the subsequent by-law is expressly limited in its operation to a period not exceeding three years, and no such subsequent by-law has any force or effect unless it is assented to by the municipal electors as provided by subsection 1 of section 3.

Extension  
of franchise

3. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

4. This Act may be cited as *The Municipal Franchises Amendment Act, 1966*.

Short title

An Act to amend  
The Municipal Franchises Act

---

*1st Reading*

May 25th, 1966

*2nd Reading*

*3rd Reading*

---

MR. SPOONER

---

# **BILL 125**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

---

## **An Act to amend The Municipal Franchises Act**

---

**MR. SPOONER**

---





BILL 125

1966

## An Act to amend The Municipal Franchises Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of subsection 1 of section 6 of *The Municipal Franchises Act* is amended by striking out "one year" in the second line and inserting in lieu thereof "three years", so that the clause shall read as follows: R.S.O. 1960,  
c. 255, s. 6,  
subs. 1,  
cl. d, amended

(d) that is expressly limited in its operation to a period not exceeding three years and is approved by the Ontario Municipal Board. limited to  
three years

2. Section 7 of *The Municipal Franchises Act* is amended by inserting after "of" in the first line "subsection 1 of" and by striking out "one year" in the sixth line and inserting in lieu thereof "three years", so that the section shall read as follows: R.S.O. 1960,  
c. 255, s. 7,  
amended

7. Where a by-law to which clause *d* of subsection 1 of section 6 applies is passed, that clause does not apply to any subsequent by-law in respect of the same works or any part of them or to an extension of or addition to them, although the subsequent by-law is expressly limited in its operation to a period not exceeding three years, and no such subsequent by-law has any force or effect unless it is assented to by the municipal electors as provided by subsection 1 of section 3. Extension  
of franchise

3. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

4. This Act may be cited as *The Municipal Franchises Amendment Act, 1966*. Short title

An Act to amend  
The Municipal Franchises Act

---

*1st Reading*

May 25th, 1966

*2nd Reading*

June 1st, 1966

*3rd Reading*

June 15th, 1966

---

MR. SPOONER

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# **BILL 126**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Local Improvement Act**

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**MR. SPOONER**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

#### EXPLANATORY NOTE

The amendment will make schools that serve more than one municipality liable for local improvement assessment so that the cost of these local improvements will be fairly distributed over all the municipalities in which the school board has jurisdiction.



BILL 126

1966

## An Act to amend The Local Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 61 of *The Local Improvement Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 223, s. 61,  
re-enacted

61. Land on which a church or place of worship is erected or that is used in connection therewith, and the land of a university, college or seminary of learning, whether vested in a trustee or otherwise, except schools of school boards that have jurisdiction only within the municipality undertaking the local improvement and that are maintained in whole or in part by a legislative grant or a school tax, are liable to be specially assessed for local improvements, notwithstanding the provisions of *The Assessment Act*. Certain  
lands  
exempt from  
taxation  
liable to be  
specially  
assessed

2. This Act comes into force on the 1st day of January, 1967. Commence-  
ment

3. This Act may be cited as *The Local Improvement Amendment Act, 1966*. Short title

An Act to amend  
The Local Improvement Act

---

*1st Reading*

May 25th, 1966

*2nd Reading*

*3rd Reading*

---

MR. SPOONER

---

# **BILL 126**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Local Improvement Act**

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**MR. SPOONER**

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1881

1881

1881

1881

1881

1881

BILL 126

1966

## An Act to amend The Local Improvement Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 61 of *The Local Improvement Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 223, s. 61,  
re-enacted

61. Land on which a church or place of worship is erected or that is used in connection therewith, and the land of a university, college or seminary of learning, whether vested in a trustee or otherwise, except schools of school boards that have jurisdiction only within the municipality undertaking the local improvement and that are maintained in whole or in part by a legislative grant or a school tax, are liable to be specially assessed for local improvements, notwithstanding the provisions of *The Assessment Act*. Certain  
lands  
exempt from  
taxation  
liable to be  
specially  
assessed  
  
R.S.O. 1960,  
c. 23

**2.** This Act comes into force on the 1st day of January, 1967. Commence-  
ment

**3.** This Act may be cited as *The Local Improvement Amendment Act, 1966*. Short title



An Act to amend  
The Local Improvement Act

---

*1st Reading*

May 25th, 1966

*2nd Reading*

June 1st, 1966

*3rd Reading*

June 15th, 1966

---

MR. SPOONER

---

# **BILL 127**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Ontario Municipal Board Act**

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**MR. SPOONER**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

#### EXPLANATORY NOTES

SECTION 1. In some cases, such as annexation matters, the Board's determination of the matter is in the form of a decision. Subsection 2 of section 15 is, therefore, amended to refer to a decision as well as to an order.

SECTION 2. The amendment will permit a municipality to obtain an approval for a lump sum for a particular class of work and then, when the specific location, etc., of a particular work has been determined, to allocate out of such lump sum an appropriate amount for the particular work.

BILL 127

1966

## An Act to amend The Ontario Municipal Board Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 15 of *The Ontario Municipal Board Act* is amended by inserting after "order" in the second line "or decision", so that the subsection shall read as follows: R.S.O. 1960,  
c. 274, s. 15,  
subs. 2,  
amended

- (2) The report of such member may be adopted as the order or decision of the Board by two other members of the Board, one of whom shall be the chairman or a vice-chairman, or may be otherwise dealt with as the Board deems proper. Report

**2.** Section 64 of *The Ontario Municipal Board Act*, as amended by section 1 of *The Ontario Municipal Board Amendment Act, 1962-63* and section 1 of *The Ontario Municipal Board Amendment Act, 1965*, is further amended by adding thereto the following subsections: R.S.O. 1960,  
c. 274, s. 64,  
amended

- (6) In subsection 7, "work" includes any undertaking, work, project, scheme, act, matter or thing proposed to be done or undertaken by a municipality. Interpre-  
tation
- (7) An application may be made by a municipality for approval by the Board of expenditures and the borrowing of money and the issuing of debentures and, where necessary, for an order dispensing with a vote of the electors under section 63 for a class of work without specifying any particular work, and the Board may dismiss the application or may approve part or all thereof, provided that the municipality shall not make any commitment for or do any act to commence any work to be financed under an order of the Board made on such application until the municipal treasurer has certified that funds can be provided under such order in payment thereof. Application  
for approval  
of class  
of work

- Approval (8) The approval of the Board provided for in subsection 7 shall be deemed to be the approval of the Board required under subsection 1.
- Commence-  
ment **3.** This Act comes into force on the day it receives Royal Assent.
- Short title **4.** This Act may be cited as *The Ontario Municipal Board Amendment Act, 1966*.









---

*1st Reading*

May 25th, 1966

*2nd Reading*

*3rd Reading*

---

MR. SPOONER

---

# **BILL 127**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

---

## **An Act to amend The Ontario Municipal Board Act**

---

**MR. SPOONER**

---





BILL 127

1966

## An Act to amend The Ontario Municipal Board Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 15 of *The Ontario Municipal Board Act* is amended by inserting after "order" in the second line "or decision", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 274, s. 15,  
subs. 2,  
amended

- (2) The report of such member may be adopted as the order or decision of the Board by two other members of the Board, one of whom shall be the chairman or a vice-chairman, or may be otherwise dealt with as the Board deems proper.

Report

2. Section 64 of *The Ontario Municipal Board Act*, as amended by section 1 of *The Ontario Municipal Board Amendment Act, 1962-63* and section 1 of *The Ontario Municipal Board Amendment Act, 1965*, is further amended by adding thereto the following subsections:

R.S.O. 1960,  
c. 274, s. 64,  
amended

- (6) In subsection 7, "work" includes any undertaking, work, project, scheme, act, matter or thing proposed to be done or undertaken by a municipality.

Interpre-  
tation

- (7) An application may be made by a municipality for approval by the Board of expenditures and the borrowing of money and the issuing of debentures and, where necessary, for an order dispensing with a vote of the electors under section 63 for a class of work without specifying any particular work, and the Board may dismiss the application or may approve part or all thereof, provided that the municipality shall not make any commitment for or do any act to commence any work to be financed under an order of the Board made on such application until the municipal treasurer has certified that funds can be provided under such order in payment thereof.

Application  
for approval  
of class  
of work

- Approval (8) The approval of the Board provided for in subsection 7 shall be deemed to be the approval of the Board required under subsection 1.
- Commence-  
ment **3.** This Act comes into force on the day it receives Royal Assent.
- Short title **4.** This Act may be cited as *The Ontario Municipal Board Amendment Act, 1966*.







# Table 1

Summary of the results of the experiments  
conducted during the year 1968

The following table shows the results of the experiments  
conducted during the year 1968

Experiment No.				Results
1	2	3	4	
1	1	1	1	1
2	2	2	2	2
3	3	3	3	3
4	4	4	4	4
5	5	5	5	5
6	6	6	6	6
7	7	7	7	7
8	8	8	8	8
9	9	9	9	9
10	10	10	10	10
11	11	11	11	11
12	12	12	12	12
13	13	13	13	13
14	14	14	14	14
15	15	15	15	15
16	16	16	16	16
17	17	17	17	17
18	18	18	18	18
19	19	19	19	19
20	20	20	20	20
21	21	21	21	21
22	22	22	22	22
23	23	23	23	23
24	24	24	24	24
25	25	25	25	25
26	26	26	26	26
27	27	27	27	27
28	28	28	28	28
29	29	29	29	29
30	30	30	30	30
31	31	31	31	31
32	32	32	32	32
33	33	33	33	33
34	34	34	34	34
35	35	35	35	35
36	36	36	36	36
37	37	37	37	37
38	38	38	38	38
39	39	39	39	39
40	40	40	40	40
41	41	41	41	41
42	42	42	42	42
43	43	43	43	43
44	44	44	44	44
45	45	45	45	45
46	46	46	46	46
47	47	47	47	47
48	48	48	48	48
49	49	49	49	49
50	50	50	50	50
51	51	51	51	51
52	52	52	52	52
53	53	53	53	53
54	54	54	54	54
55	55	55	55	55
56	56	56	56	56
57	57	57	57	57
58	58	58	58	58
59	59	59	59	59
60	60	60	60	60
61	61	61	61	61
62	62	62	62	62
63	63	63	63	63
64	64	64	64	64
65	65	65	65	65
66	66	66	66	66
67	67	67	67	67
68	68	68	68	68
69	69	69	69	69
70	70	70	70	70
71	71	71	71	71
72	72	72	72	72
73	73	73	73	73
74	74	74	74	74
75	75	75	75	75
76	76	76	76	76
77	77	77	77	77
78	78	78	78	78
79	79	79	79	79
80	80	80	80	80
81	81	81	81	81
82	82	82	82	82
83	83	83	83	83
84	84	84	84	84
85	85	85	85	85
86	86	86	86	86
87	87	87	87	87
88	88	88	88	88
89	89	89	89	89
90	90	90	90	90
91	91	91	91	91
92	92	92	92	92
93	93	93	93	93
94	94	94	94	94
95	95	95	95	95
96	96	96	96	96
97	97	97	97	97
98	98	98	98	98
99	99	99	99	99
100	100	100	100	100

An Act to amend  
The Ontario Municipal Board Act

---

*1st Reading*

May 25th, 1966

*2nd Reading*

June 1st, 1966

*3rd Reading*

June 15th, 1966

---

MR. SPOONER

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# **BILL 128**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

---

## **An Act to amend The Confederation Centennial Act, 1962-63**

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**MR. SPOONER**

---

#### EXPLANATORY NOTE

The amendment will extend participation in centennial grants to all councils of Indian bands whether or not they operate under section 68 of the *Indian Act* (Canada).

BILL 128

1966

## An Act to amend The Confederation Centennial Act, 1962-63

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 2 of *The Confederation Centennial Act, 1962-63*, as re-enacted by *The Confederation Centennial Amendment Act, 1965*, is amended by striking out "that is permitted to control, manage and expend its revenue moneys under section 68 of that Act" in the fifth and sixth lines, so that the subsection shall read as follows:

1962-63,  
c. 19, s. 2,  
subs. 2  
(1965,  
c. 18, s. 1),  
amended

(2) The Minister, in accordance with the regulations, may make grants out of the moneys that are appropriated therefor by the Legislature to any municipality, or to any band under the *Indian Act* (Canada), for the cost of any project or event to be undertaken in observance or commemoration of the Centennial.

Idem,  
grants to  
municipalities  
R.S.C. 1952,  
c. 149

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** This Act may be cited as *The Confederation Centennial Amendment Act, 1966*.

Short title



An Act to amend  
The Confederation Centennial Act, 1962-63

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*1st Reading*

May 25th, 1966

*2nd Reading*

*3rd Reading*

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MR. SPOONER

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# BILL 128

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## An Act to amend The Confederation Centennial Act, 1962-63

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MR. SPOONER

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BILL 128

1966

**An Act to amend  
The Confederation Centennial Act, 1962-63**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 2 of *The Confederation Centennial Act, 1962-63*, as re-enacted by *The Confederation Centennial Amendment Act, 1965*, is amended by striking out "that is permitted to control, manage and expend its revenue moneys under section 68 of that Act" in the fifth and sixth lines, so that the subsection shall read as follows:

1962-63,  
c. 19, s. 2,  
subs. 2  
(1965,  
c. 18, s. 1),  
amended

(2) The Minister, in accordance with the regulations, may make grants out of the moneys that are appropriated therefor by the Legislature to any municipality, or to any band under the *Indian Act* (Canada), for the cost of any project or event to be undertaken in observance or commemoration of the Centennial.

Idem,  
grants to  
municipalities

R.S.C. 1952,  
c. 149

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** This Act may be cited as *The Confederation Centennial Amendment Act, 1966*.

Short title

An Act to amend  
The Confederation Centennial Act, 1962-63

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*1st Reading*

May 25th, 1966

*2nd Reading*

June 1st, 1966

*3rd Reading*

June 15th, 1966

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MR. SPOONER

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# **BILL 129**

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

## **An Act to amend The Department of Municipal Affairs Act**

**MR. SPOONER**

**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

#### EXPLANATORY NOTES

SECTION 1. The amendment provides that, where notice of the registration of a tax certificate is sent to a corporation, a copy of the notice shall be sent to the Public Trustee. This is to ensure that the tax sale does not purport to convey any interest in land that has been forfeited to the Crown.

SECTION 2. The amendment provides that, if an improvement district is erected into a town, village or township, the tax arrears procedure will continue to apply.

BILL 129

1966

## An Act to amend The Department of Municipal Affairs Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 47 of *The Department of Municipal Affairs Act* R.S.O. 1960, c. 98, s. 47, is amended by adding thereto the following subsection: amended

(4a) Where a notice has been sent under subsection 4 to a corporation, the treasurer shall, within the time limit in subsection 4, send by registered mail to the Public Trustee a copy of the notice so sent. Copy of notice to Public Trustee

**2.** Section 71 of *The Department of Municipal Affairs Act* R.S.O. 1960, c. 98, s. 71, is amended by adding thereto the following subsection: amended

(3) Where an improvement district or part of an improvement district is erected into a town, village or township, the tax arrears procedures of this Part apply to such town, village or township and the tax sale procedures of *The Assessment Act* do not apply, and the use or disposition of any land vested in the municipality under the tax arrears procedures and the application of the proceeds of such use or disposition are subject to the approval of the Department. Tax arrears procedures are improvement districts erected into towns, etc. R.S.O. 1960, c. 23

**3.** This Act comes into force on the day it receives Royal Assent. Commencement

**4.** This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1966*. Short title

An Act to amend  
The Department of Municipal Affairs Act

---

*1st Reading*

May 25th, 1966

*2nd Reading*

*3rd Reading*

---

MR. SPOONER

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# **BILL 129**

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

---

## **An Act to amend The Department of Municipal Affairs Act**

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MR. SPOONER

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BILL 129

1966

## An Act to amend The Department of Municipal Affairs Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 47 of *The Department of Municipal Affairs Act* R.S.O. 1960, c. 98, s. 47, amended is amended by adding thereto the following subsection:

(4a) Where a notice has been sent under subsection 4 to a corporation, the treasurer shall, within the time limit in subsection 4, send by registered mail to the Public Trustee a copy of the notice so sent. Copy of notice to Public Trustee

**2.** Section 71 of *The Department of Municipal Affairs Act* R.S.O. 1960, c. 98, s. 71, amended is amended by adding thereto the following subsection:

(3) Where an improvement district or part of an improvement district is erected into a town, village or township, the tax arrears procedures of this Part apply to such town, village or township and the tax sale procedures of *The Assessment Act* do not apply, and the use or disposition of any land vested in the municipality under the tax arrears procedures and the application of the proceeds of such use or disposition are subject to the approval of the Department. Tax arrears procedures re improvement districts erected into towns, etc. R.S.O. 1960, c. 23

**3.** This Act comes into force on the day it receives Royal Assent. Commencement

**4.** This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1966*. Short title

An Act to amend  
The Department of Municipal Affairs Act

---

*1st Reading*

May 25th, 1966

*2nd Reading*

June 1st, 1966

*3rd Reading*

June 15th, 1966

---

MR. SPOONER

---

# **BILL 130**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act respecting Legal Aid**

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**MR. WISHART**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

#### EXPLANATORY NOTE

The purpose of this Bill is to implement the recommendations of the Attorney General's Joint Committee on Legal Aid, which are set out in its report dated March, 1965.

The Bill will provide for legal aid to persons who are unable to pay for or can pay only part of the cost of legal services.

The plan will be financed from provincial moneys and administered by The Law Society of Upper Canada.



BILL 130

1966

## An Act respecting Legal Aid

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "area" means a part of Ontario designated by the regulations as an area for the purposes of this Act;
- (b) "area director" means an area director appointed under this Act;
- (c) "barrister and solicitor" means a member of the Law Society;
- (d) "certificate" means a legal aid certificate or a provisional legal aid certificate issued under this Act;
- (e) "Director" means the Director of Legal Aid appointed under this Act;
- (f) "Fund" means the Legal Aid Fund under this Act;
- (g) "Law Society" means The Law Society of Upper Canada;
- (h) "legal aid" means professional services provided under this Act and the regulations;
- (i) "person" means an individual;
- (j) "regulations" means the regulations made under this Act;
- (k) "student" means a person enrolled in the Bar Admission Course or in any law course approved by the Law Society;

(l) "Treasurer" means the Treasurer of the Law Society;

(m) "welfare officer" means an officer of the Department of Public Welfare designated by the Minister of Public Welfare under this Act.

Operation  
of plan

**2.** Subject to the approval of the Attorney General, the Law Society is hereby empowered to establish and administer a legal aid plan in accordance with this Act and the regulations.

Appoint-  
ment of  
Director,  
area  
directors,  
and staff

**3.**—(1) Subject to the approval of the Attorney General, the Law Society shall,

(a) appoint a Director of Legal Aid;

(b) appoint an area director for each area; and

(c) employ such other persons as it considers necessary.

Accommoda-  
tion, etc.

(2) The Law Society shall provide such office accommodation, furniture, equipment and supplies as it considers necessary.

Area  
legal aid  
committees

**4.**—(1) The Law Society may appoint a legal aid committee for an area.

Composition,  
etc.

(2) Each committee shall be composed of such number of members, shall be organized, and shall perform such functions, as the regulations prescribe.

Secretary

(3) The area director shall act as secretary of the area committee.

Legal Aid  
Fund.  
payments in

**5.**—(1) The Law Society shall,

(a) establish and maintain a fund to be known as the Legal Aid Fund into which shall be paid all moneys appropriated by the Legislature for the Fund, all costs awarded to recipients of legal aid, and all contributions made by recipients of legal aid who are required to pay any part of its cost; and

(b) keep such accounts and records of the transactions of the Fund as the regulations prescribe.

payments  
out

(2) The Law Society shall, subject to the regulations, pay out of the Fund,

(a) its expenses attributable to the administration of this Act and the regulations, including,

- (i) the expenses of the Treasurer and benchers and the expenses and allowances of members of committees,
  - (ii) the cost of office accommodation, furniture, equipment and supplies,
  - (iii) the salaries and expenses of the Director, area directors and other persons employed by the Law Society in the administration of this Act, and
  - (iv) the employer's contributions to any superannuation or pension plan that benefits the persons employed by the Law Society in the administration of this Act or to which such persons may contribute;
- (b) the fees and proper out-of-pocket disbursements of barristers and solicitors for legal aid;
- (c) the fees and proper out-of-pocket disbursements of duty counsel; and
- (d) audit fees.

**6.** The Law Society shall, at least once in every fiscal year <sup>Estimates</sup> of the Government at such time as the Attorney General directs, submit to him an estimate of the sum required to meet the payments out of the Fund during the next succeeding fiscal year of the Government after making allowance for the moneys that are estimated will be received from other sources.

**7.—(1)** The moneys required for the purposes of this Act <sup>Moneys</sup> during the fiscal year 1966-67 shall be paid out of the Consolidated Revenue Fund, and thereafter such moneys shall be paid out of the moneys appropriated by the Legislature for the purposes of this Act.

(2) The moneys required for the purposes of this Act shall <sup>Payment of</sup> be paid to the Law Society by the Treasurer of Ontario from <sup>appro-</sup> time to time upon the requisition of the Law Society. <sup>priated</sup> <sup>moneys</sup>

**8.** The Provincial Auditor shall examine and report upon <sup>Auditor</sup> the accounts and financial transactions of the Fund.

**9.—(1)** There shall be an advisory committee on legal aid <sup>Advisory</sup> composed of, <sup>committee</sup>

- (a) a judge of the High Court;
- (b) a judge of a county or district court;
- (c) a magistrate;
- (d) two members of the Bar of Ontario;
- (e) a person holding a responsible position in the field of public welfare; and
- (f) such other persons,

as the Attorney General may appoint.

**Term of  
office**

(2) Each member of the committee shall serve for a term of one, two or three years and may be re-appointed on the expiry of the period for which he was appointed.

**Report**

(3) The committee shall report at least once in every year to the Attorney General,

- (a) on the operation of the legal aid plan; and
- (b) on the annual report of the Law Society to the Attorney General mentioned in section 10.

**Annual  
report**

**10.** The Law Society shall make a report annually to the Attorney General for the twelve months ending on the 31st day of March of the year in which the report is made containing,

- (a) a statement of the nature and amount of legal aid given during the year;
- (b) a statement of the receipts and disbursements of the Fund during the year;
- (c) a copy of the auditor's report for the year;
- (d) general information as to the working of this Act and the regulations; and
- (e) such other information as the Attorney General requests.

**Idem**

**11.** The Attorney General shall submit the reports mentioned in sections 9 and 10 to the Lieutenant Governor in Council and shall then lay such reports before the Assembly if it is in session or, if not, at the next ensuing session.



**12.** Except where otherwise provided in this Act, a certificate shall be issued to a person entitled thereto in respect of any proceeding or proposed proceeding, Where legal aid may be given

- (a) in the Supreme Court;
- (b) in a county or district court;
- (c) in a surrogate court;
- (d) where the applicant is charged with an indictable offence or where an application is made for a sentence of preventive detention under Part XXI of the *Criminal Code* (Canada); 1953-54, c. 51 (Can.)
- (e) under the *Extradition Act* (Canada) or the *Fugitive Offenders Act* (Canada); and R.S.C. 1952, cc. 322, 127
- (f) in the Exchequer Court of Canada.

**13.** Subject to the discretion of the area director, a certificate may be issued to a person otherwise entitled thereto, Idem, subject to discretion of area director

- (a) in any summary conviction proceeding under any Act of the Parliament of Canada or of this Legislature if upon conviction there is likelihood of imprisonment or loss of means of earning a livelihood;
- (b) in any proceeding,
  - (i) in a juvenile and family court,
  - (ii) in a division court,
  - (iii) before a quasi-judicial or administrative board or commission, or
  - (iv) in bankruptcy subsequent to a receiving order or an authorized assignment;
- (c) who has been previously convicted under any Act of the Parliament of Canada or of this Legislature; or
- (d) for drawing documents, negotiating settlements or giving legal advice wherever the subject-matter or nature thereof is properly or customarily within the scope of the professional duties of a barrister and solicitor.



Idem, with  
approval of  
area legal aid  
committee

**14.**—(1) Subject to the approval of the area legal aid committee, a certificate may be issued to a person otherwise entitled thereto,

(a) in an appeal,

(i) to the Supreme Court of Canada,

(ii) to the Exchequer Court of Canada,

(iii) to the Court of Appeal for Ontario,

(iv) to a judge sitting in court or chambers,

(v) under Part XXIV of the *Criminal Code* (Canada) or *The Summary Convictions Act*, or

(vi) to a court of revision from a municipal assessment of a property that is the residence of the applicant and by way of appeal from the decision of the court of revision thereon to the judge of a county or district court; or

(b) in a proceeding by way of certiorari, motion to quash, habeas corpus, or prohibition; and

(c) in any matter referred by the area director to the area committee.

Procedure

(2) An application for legal aid in a proceeding under this section shall be made to the area director in the prescribed form, and the area director shall submit the application and supporting material to the area legal aid committee.

Idem

(3) The area legal aid committee shall consider the application and the supporting material and provide legal aid only if in the opinion of the committee the issue of a certificate is justified.

Appeal

(4) An appeal lies to the Director from a decision of the area legal aid committee dismissing an application under this section.

Later  
applications  
not barred

(5) Failure to apply for legal aid in the first instance does not bar an application for legal aid under this section.

Where  
legal aid  
not to be  
given

**15.** A certificate shall not be issued to a person,

(a) in proceedings wholly or partly in respect of defamation, breach of promise of marriage, loss of service

of a female in consequence of rape or seduction, alienation of affections or criminal conversation;

(b) in relator actions;

(c) in proceedings for the recovery of a penalty where the proceedings may be taken by any person and the penalty in whole or in part may be payable to the person instituting the proceedings; or

(d) in proceedings relating to any election.

**16.** Any costs paid or payable to a person to whom legal aid has been given under this Act are the property of the Law Society and shall be paid into the Fund. Disposition of costs

**17.—(1)** Every application for legal aid shall be made in the prescribed form addressed to the area director of the area in which the applicant resides at the time the application is made. Applications

(2) Every application for legal aid shall be referred by the area director to a welfare officer for a report as to whether the applicant can pay no part, some part or the whole of the cost of the legal aid applied for. Reference to welfare officer

(3) The welfare officer to whom the application is referred shall consider the income, disposable capital, indebtedness, requirements of persons dependent on the applicant, and such other circumstances as he deems to be relevant that are disclosed in the application or that he ascertains after inquiry, and he shall report to the area director as to whether the applicant is eligible for the legal aid applied for and, if so, the sum, if any, the applicant is able to contribute towards the cost thereof. Function of welfare officer

(4) Subject to subsection 5, the area director may issue a certificate only when he has received the report of the welfare officer and only where in the opinion of the area director the issue of a certificate is justified. Issue of certificate

(5) Where in the opinion of the area director the circumstances of an application require the issue of a certificate immediately, he may issue a provisional certificate without having first received the report of the welfare officer. Provisional certificate in exceptional cases

(6) On receipt of the report of the welfare officer and whether or not a provisional certificate has been issued, the area director may issue a certificate. Issue of certificate

- Terms and conditions** (7) An area director in issuing a certificate or provisional certificate may impose such terms and conditions as he deems proper.
- Cancellation** (8) An area director may at any time cancel any certificate or provisional certificate issued by him.
- Applications of non-residents** (9) An application for legal aid by a person not ordinarily resident in Ontario shall be disposed of by the Director.
- Appeal** (10) An appeal lies to the area committee from the refusal of the area director to issue a certificate.
- Recovery of contributions** **18.**—(1) The sum that a person is able to contribute towards the cost of legal aid given to him as set out in his certificate shall be paid by him and is a debt owing to the Law Society and may be recovered in any court of competent jurisdiction.
- Lien on sum recovered** (2) Where a person who has been given legal aid in connection with any proceedings recovers any sum as a result of the proceedings, an amount equal to the cost of such legal aid, less any sum that the person may have contributed to the cost, is a charge against the sum so recovered and shall be deducted therefrom and paid into the Fund.
- No legal aid without certificate** **19.** Except as to the professional services provided by duty counsel, no person is entitled to legal aid in any matter unless he holds a certificate or a provisional certificate respecting such matter that has been issued to him in accordance with this Act and the regulations.
- Legal panels** **20.** There may be established in accordance with the regulations,
- (a) panels of barristers and solicitors who agree to give legal aid;
  - (b) panels of barristers and solicitors who agree to provide professional services as duty counsel;
  - (c) panels of barristers and solicitors who agree to give legal advice; and
  - (d) student legal aid societies.
- Payment for professional services** **21.**—(1) Every barrister and solicitor on a panel mentioned in clause *a* or *b* of section 20 who provides professional services under this Act shall be paid out of the Fund an amount equal to three-fourths of the fees customarily payable as between



himself and his client for the services rendered and an amount equal to his proper out-of-pocket disbursements in the proceeding or matter in which legal aid is given.

(2) Every barrister and solicitor on a panel mentioned in clause c of section 20 shall be paid in accordance with the regulations. <sup>Idem</sup>

**22.**—(1) Except in accordance with this Act and the regulations, no barrister and solicitor shall take or receive any payment in respect of any professional services provided by him under this Act or the regulations. <sup>Authorized payments only</sup>

(2) Notwithstanding *The Legislative Assembly Act*, the receipt of fees by a member of the Assembly for providing professional services under this Act does not affect his eligibility as a member of the Assembly or his right to sit or vote therein. <sup>Members of the Assembly R.S.O. 1960, c. 208</sup>

**23.** The Law Society is not liable for any act or omission of any barrister and solicitor who provides professional services under this Act or the regulations. <sup>Law Society not liable</sup>

**24.**—(1) Subject to the approval of the Lieutenant Governor in Council, the Law Society may make regulations respecting the establishment and administration of a legal aid plan and, without limiting the generality of the foregoing, may make regulations, <sup>Regulations</sup>

- (a) prescribing the duties of the Director, the area directors and other persons employed for the purposes of this Act;
- (b) prescribing the accounts and records that shall be kept of the transactions of the Fund;
- (c) respecting the payment out of the Fund of the expenses of the Law Society attributable to the administration of this Act and the regulations;
- (d) designating parts of Ontario as areas for the purposes of this Act;
- (e) providing for area legal aid committees, their composition and organization, and prescribing their functions;
- (f) respecting the establishment and functions of the panels and societies mentioned in section 19;
- (g) respecting applications for legal aid;

- (h) respecting entitlement to legal aid;
- (i) respecting certificates and provisional certificates;
- (j) respecting the fees to be paid to barristers and solicitors for professional services under this Act or the regulations;
- (k) providing for the settlement of accounts for professional services under this Act or the regulations and for an appeal therefrom;
- (l) providing for the recovery of and payment into the Fund of moneys due to the Fund;
- (m) providing for the payment out of the Fund of costs awarded against a person to whom legal aid has been given;
- (n) prescribing forms and providing for their use.

Designation  
by Attorney  
General

(2) The Attorney General may designate persons for the purposes of clause *k* of subsection 1.

R.S.O. 1960,  
c. 207, s. 52,  
repealed

**25.** Section 52 of *The Law Society Act* is repealed.

Commence-  
ment

**26.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**27.** This Act may be cited as *The Legal Aid Act, 1966*.









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*1st Reading*

May 26th, 1966

*2nd Reading*

*3rd Reading*

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MR. WISHART

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# BILL 130

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

---

## An Act respecting Legal Aid

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MR. WISHART

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*(Reprinted as amended by the Committee on Legal Bills and Labour)*



#### EXPLANATORY NOTE

The purpose of this Bill is to implement the recommendations of the Attorney General's Joint Committee on Legal Aid, which are set out in its report dated March, 1965.

The Bill will provide for legal aid to persons who are unable to pay for or can pay only part of the cost of legal services.

The plan will be financed from provincial moneys and administered by The Law Society of Upper Canada.

## An Act respecting Legal Aid

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "area" means a part of Ontario designated by the regulations as an area for the purposes of this Act;
- (b) "area director" means an area director appointed under this Act;
- (c) "barrister and solicitor" means a member of the Law Society;
- (d) "certificate" means a legal aid certificate or a provisional legal aid certificate issued under this Act;
- (e) "Director" means the Director of Legal Aid appointed under this Act;
- (f) "Fund" means the Legal Aid Fund under this Act;
- (g) "Law Society" means The Law Society of Upper Canada;
- (h) "legal aid" means professional services provided under this Act and the regulations;
- (i) "person" means an individual;
- (j) "regulations" means the regulations made under this Act;
- (k) "student" means a person enrolled in the Bar Admission Course or in any law course approved by the Law Society;

(l) "Treasurer" means the Treasurer of the Law Society;

(m) "welfare officer" means an officer of the Department of Public Welfare designated by the Minister of Public Welfare under this Act.

Operation  
of plan

**2.** Subject to the approval of the Attorney General, the Law Society is hereby empowered to establish and administer a legal aid plan in accordance with this Act and the regulations.

Appoint-  
ment of  
Director,  
area  
directors,  
and staff

**3.**—(1) Subject to the approval of the Attorney General, the Law Society shall,

(a) appoint a Director of Legal Aid;

(b) appoint an area director for each area; and

(c) employ such other persons as it considers necessary.

Accommoda-  
tion, etc.

(2) The Law Society shall provide such office accommodation, furniture, equipment and supplies as it considers necessary.

Area  
legal aid  
committees

**4.**—(1) The Law Society may appoint a legal aid committee for an area.

Composition,  
etc.

(2) Each committee shall be composed of such number of members, shall be organized, and shall perform such functions, as the regulations prescribe.

Secretary

(3) The area director shall act as secretary of the area committee.

Legal Aid  
Fund,  
payments in

**5.**—(1) The Law Society shall,

(a) establish and maintain a fund to be known as the Legal Aid Fund into which shall be paid all moneys appropriated by the Legislature for the Fund, all costs awarded to recipients of legal aid, and all contributions made by recipients of legal aid who are required to pay any part of its cost; and

(b) keep such accounts and records of the transactions of the Fund as the regulations prescribe.

payments  
out

(2) The Law Society shall, subject to the regulations, pay out of the Fund,

(a) its expenses attributable to the administration of this Act and the regulations, including,

- (i) the expenses of the Treasurer and benchers and the expenses and allowances of members of committees,
  - (ii) the cost of office accommodation, furniture, equipment and supplies,
  - (iii) the salaries and expenses of the Director, area directors and other persons employed by the Law Society in the administration of this Act, and
  - (iv) the employer's contributions to any super-annuation or pension plan that benefits the persons employed by the Law Society in the administration of this Act or to which such persons may contribute;
- (b) the fees and proper out-of-pocket disbursements of barristers and solicitors for legal aid;
- (c) the fees and proper out-of-pocket disbursements of duty counsel; and
- (d) audit fees.

**6.** The Law Society shall, at least once in every fiscal year <sup>Estimates</sup> of the Government at such time as the Attorney General directs, submit to him an estimate of the sum required to meet the payments out of the Fund during the next succeeding fiscal year of the Government after making allowance for the moneys that are estimated will be received from other sources.

**7.—(1)** The moneys required for the purposes of this Act <sup>Moneys</sup> during the fiscal year 1966-67 shall be paid out of the Consolidated Revenue Fund, and thereafter such moneys shall be paid out of the moneys appropriated by the Legislature for the purposes of this Act.

(2) The moneys required for the purposes of this Act shall <sup>Payment of appropriated moneys</sup> be paid to the Law Society by the Treasurer of Ontario from time to time upon the requisition of the Law Society.

**8.** The Provincial Auditor shall examine and report upon <sup>Auditor</sup> the accounts and financial transactions of the Fund.

**9.—(1)** There shall be an advisory committee on legal aid <sup>Advisory committee</sup> composed of,



- (a) a judge of the High Court;
- (b) a judge of a county or district court;
- (c) a magistrate;
- (d) two members of the Bar of Ontario;
- (e) a person holding a responsible position in the field of public welfare; and
- (f) such other persons,

as the Attorney General may appoint.

Term of  
office

(2) Each member of the committee shall serve for a term of one, two or three years and may be re-appointed on the expiry of the period for which he was appointed.

Report

(3) The committee shall report at least once in every year to the Attorney General,

- (a) on the operation of the legal aid plan; and
- (b) on the annual report of the Law Society to the Attorney General mentioned in section 10.

Annual  
report

**10.** The Law Society shall make a report annually to the Attorney General for the twelve months ending on the 31st day of March of the year in which the report is made containing,

- (a) a statement of the nature and amount of legal aid given during the year;
- (b) a statement of the receipts and disbursements of the Fund during the year;
- (c) a copy of the auditor's report for the year;
- (d) general information as to the working of this Act and the regulations; and
- (e) such other information as the Attorney General requests.

Idem

**11.** The Attorney General shall submit the reports mentioned in sections 9 and 10 to the Lieutenant Governor in Council and shall then lay such reports before the Assembly if it is in session or, if not, at the next ensuing session.



**12.** Except where otherwise provided in this Act, a certificate shall be issued to a person entitled thereto in respect of any proceeding or proposed proceeding, Where legal aid may be given

- (a) in the Supreme Court;
- (b) in a county or district court;
- (c) in a surrogate court;
- (d) where the applicant is charged with an indictable offence or where an application is made for a sentence of preventive detention under Part XXI of the *Criminal Code* (Canada); 1953-54, c. 51 (Can.)
- (e) under the *Extradition Act* (Canada) or the *Fugitive Offenders Act* (Canada); and R.S.C. 1952, cc. 322, 127
- (f) in the Exchequer Court of Canada.

**13.** Subject to the discretion of the area director, a certificate may be issued to a person otherwise entitled thereto, Idem, subject to discretion of area director

- (a) in any summary conviction proceeding under any Act of the Parliament of Canada or of this Legislature if upon conviction there is likelihood of imprisonment or loss of means of earning a livelihood;
- (b) in any proceeding,
  - (i) in a juvenile and family court,
  - (ii) in a division court,
  - (iii) before a quasi-judicial or administrative board or commission, or
  - (iv) in bankruptcy subsequent to a receiving order or an authorized assignment; or
- (c) for drawing documents, negotiating settlements or giving legal advice wherever the subject-matter or nature thereof is properly or customarily within the scope of the professional duties of a barrister and solicitor.

**14.—(1)** Subject to the approval of the area legal aid committee, a certificate may be issued to a person otherwise entitled thereto, Idem, with approval of area legal aid committee

(a) in an appeal,

(i) to the Supreme Court of Canada,

(ii) to the Exchequer Court of Canada,

(iii) to the Court of Appeal for Ontario,

(iv) to a judge sitting in court or chambers,

(v) under Part XXIV of the *Criminal Code* (Canada) or *The Summary Convictions Act*, or

(vi) to a court of revision from a municipal assessment of a property that is the residence of the applicant and by way of appeal from the decision of the court of revision thereon to the judge of a county or district court and by way of appeal from the decision of such judge to the Ontario Municipal Board,

(vii) to a quasi-judicial or administrative board or Commission; or

(b) in a proceeding by way of certiorari, motion to quash, habeas corpus, or prohibition; and

(c) in any matter referred by the area director to the area committee.

**Procedure**

(2) An application for legal aid in a proceeding under this section shall be made to the area director in the prescribed form, and the area director shall submit the application and supporting material to the area legal aid committee.

**Idem**

(3) The area legal aid committee shall consider the application and the supporting material and provide legal aid only if in the opinion of the committee the issue of a certificate is justified.

**Appeal**

(4) An appeal lies to the Director from a decision of the area legal aid committee dismissing an application under this section.

**Later applications not barred**

(5) Failure to apply for legal aid in the first instance does not bar an application for legal aid under this section.

**Where legal aid not to be given**

**15.** A certificate shall not be issued to a person,

(a) in proceedings wholly or partly in respect of defamation, breach of promise of marriage, loss of service

of a female in consequence of rape or seduction, alienation of affections or criminal conversation;

(b) in relator actions;

(c) in proceedings for the recovery of a penalty where the proceedings may be taken by any person and the penalty in whole or in part may be payable to the person instituting the proceedings; or

(d) in proceedings relating to any election.

**16.** Any costs paid or payable to a person to whom legal aid has been given under this Act are the property of the Law Society and shall be paid into the Fund. Disposition of costs

**17.—**(1) Every application for legal aid shall be made in the prescribed form addressed to the area director of the area in which the applicant resides at the time the application is made. Applications

(2) Every application for legal aid shall be referred by the area director to a welfare officer for a report as to whether the applicant can pay no part, some part or the whole of the cost of the legal aid applied for. Reference to welfare officer

(3) The welfare officer to whom the application is referred shall consider the income, disposable capital, indebtedness, requirements of persons dependent on the applicant, and such other circumstances as he deems to be relevant that are disclosed in the application or that he ascertains after inquiry, and he shall report to the area director as to whether the applicant can pay no part, some part or the whole of the cost of the legal aid applied for and the sum, if any, the applicant is able to contribute towards the cost thereof. Function of welfare officer

(4) Subject to subsection 5, the area director may issue a certificate only when he has received the report of the welfare officer and only where in the opinion of the area director the issue of a certificate is justified. Issue of certificate

(5) Where in the opinion of the area director the circumstances of an application require the issue of a certificate immediately, he may issue a provisional certificate without having first received the report of the welfare officer. Provisional certificate in exceptional cases

(6) On receipt of the report of the welfare officer and whether or not a provisional certificate has been issued, the area director may issue a certificate. Issue of certificate



- Terms and conditions** (7) An area director in issuing a certificate or provisional certificate may impose such terms and conditions as he deems proper.
- Cancellation** (8) An area director may at any time cancel any certificate or provisional certificate issued by him.
- Applications of non-residents** (9) An application for legal aid by a person not ordinarily resident in Ontario shall be disposed of by the Director.
- Appeal** (10) An appeal lies to the area committee from the refusal of the area director to issue a certificate or from the cancellation of a certificate.
- Recovery of contributions** **18.**—(1) The sum that a person is able to contribute towards the cost of legal aid given to him as set out in his certificate shall be paid by him and is a debt owing to the Law Society and may be recovered in any court of competent jurisdiction.
- Lien on sum recovered** (2) Where a person who has been given legal aid in connection with any proceedings recovers any sum as a result of the proceedings, an amount equal to the cost of such legal aid, less any sum that the person may have contributed to the cost, is a charge against the sum so recovered and shall be deducted therefrom and paid into the Fund.
- No legal aid without certificate** **19.** Except as to the professional services provided by duty counsel, no person is entitled to legal aid in any matter unless he holds a certificate or a provisional certificate respecting such matter that has been issued to him in accordance with this Act and the regulations.
- Legal panels** **20.** There may be established in accordance with the regulations,
- (a) panels of barristers and solicitors who agree to give legal aid;
  - (b) panels of barristers and solicitors who agree to provide professional services as duty counsel;
  - (c) panels of barristers and solicitors who agree to give legal advice; and
  - (d) student legal aid societies.
- Payment for professional services** **21.**—(1) Every barrister and solicitor on a panel mentioned in clause *a* or *b* of section 20 who provides professional services under this Act shall be paid out of the Fund an amount equal to three-fourths of the fees customarily payable as between

a barrister or solicitor and his client for services rendered, as determined by the regulations, an amount equal to his proper out-of-pocket disbursements in the proceeding or matter in which legal aid is given.

(2) Every barrister and solicitor on a panel mentioned in clause c of section 20 shall be paid in accordance with the regulations. <sup>Idem</sup>

**22.**—(1) Except in accordance with this Act and the regulations, no barrister and solicitor shall take or receive any payment in respect of any professional services provided by him under this Act or the regulations. <sup>Authorized payments only</sup>

(2) Notwithstanding *The Legislative Assembly Act*, the receipt of fees by a member of the Assembly for providing professional services under this Act does not affect his eligibility as a member of the Assembly or his right to sit or vote therein. <sup>Members of the Assembly R.S.O. 1960, c. 208</sup>

**23.** The Law Society is not liable for any act or omission of any barrister and solicitor who provides professional services under this Act or the regulations. <sup>Law Society not liable</sup>

**24.**—(1) Subject to the approval of the Lieutenant Governor in Council, the Law Society may make regulations respecting the establishment and administration of a legal aid plan and, without limiting the generality of the foregoing, may make regulations, <sup>Regulations</sup>

- (a) prescribing the duties of the Director, the area directors and other persons employed for the purposes of this Act;
- (b) prescribing the accounts and records that shall be kept of the transactions of the Fund;
- (c) respecting the payment out of the Fund of the expenses of the Law Society attributable to the administration of this Act and the regulations;
- (d) designating parts of Ontario as areas for the purposes of this Act;
- (e) providing for area legal aid committees, their composition and organization, and prescribing their functions;
- (f) respecting the establishment and functions of the panels and societies mentioned in section 20;
- (g) respecting applications for legal aid;



- (h) respecting entitlement to legal aid;
- (i) respecting certificates and provisional certificates;
- (j) respecting the fees to be paid to barristers and solicitors for professional services under this Act or the regulations;
- (k) providing for the settlement of accounts for professional services under this Act or the regulations and for an appeal therefrom;
- (l) providing for the recovery of and payment into the Fund of moneys due to the Fund;
- (m) providing for the payment out of the Fund of costs awarded against a person to whom legal aid has been given;
- (n) prescribing forms and providing for their use.

Designation  
by Attorney  
General

(2) The Attorney General may designate persons for the purposes of clause *k* of subsection 1.

R.S.O. 1960,  
c. 207, s. 52,  
repealed

**25.** Section 52 of *The Law Society Act* is repealed.

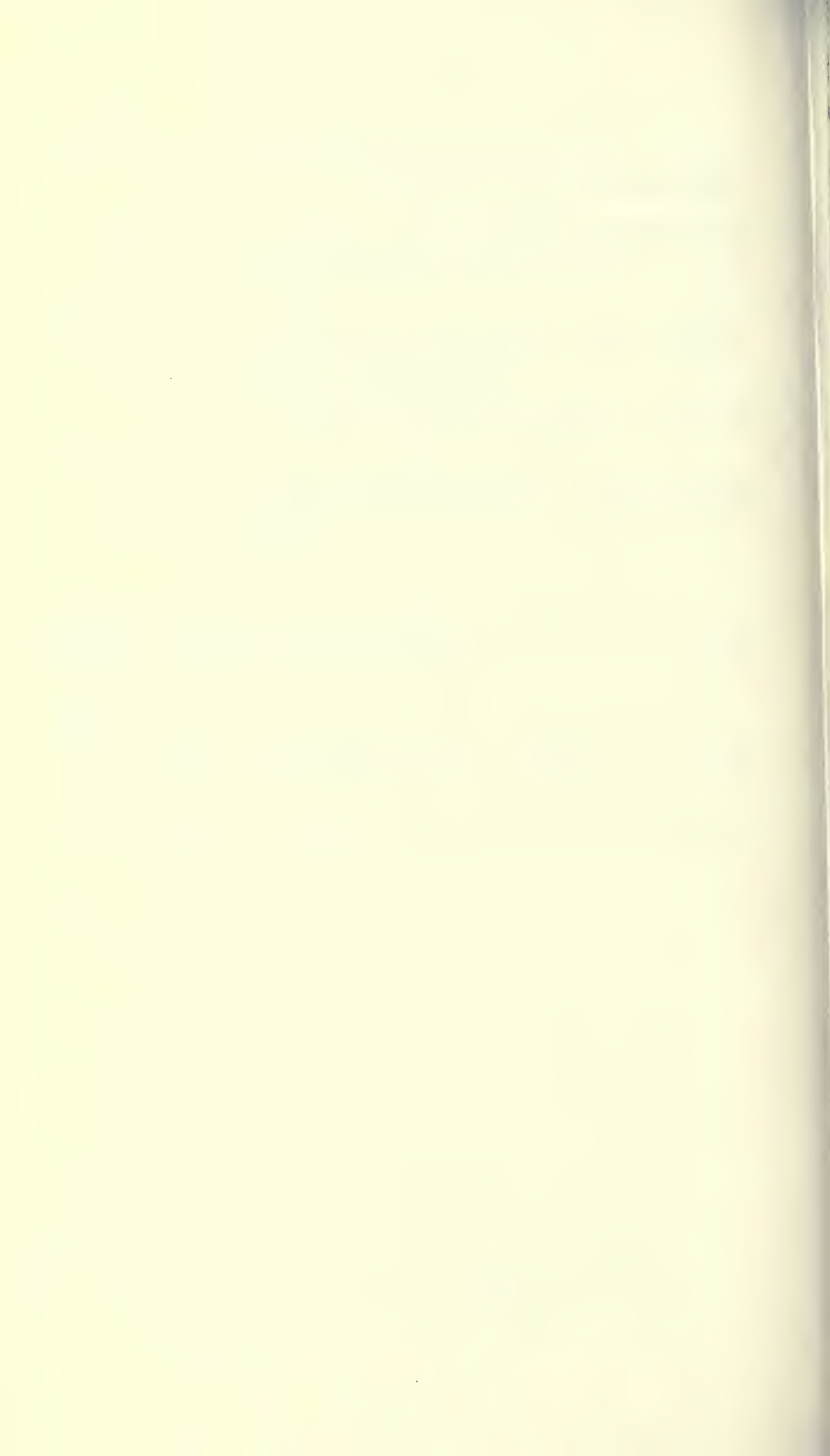
Commence-  
ment

**26.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**27.** This Act may be cited as *The Legal Aid Act, 1966*.







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*1st Reading*

May 26th, 1966

*2nd Reading*

June 8th, 1966

*3rd Reading*

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MR. WISHART

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*(Reprinted as amended by the Committee  
on Legal Bills and Labour)*



# **BILL 130**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act respecting Legal Aid**

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**MR. WISHART**

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BILL 130

1966

### An Act respecting Legal Aid

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "area" means a part of Ontario designated by the regulations as an area for the purposes of this Act;
- (b) "area director" means an area director appointed under this Act;
- (c) "barrister and solicitor" means a member of the Law Society;
- (d) "certificate" means a legal aid certificate or a provisional legal aid certificate issued under this Act;
- (e) "Director" means the Director of Legal Aid appointed under this Act;
- (f) "Fund" means the Legal Aid Fund under this Act;
- (g) "Law Society" means The Law Society of Upper Canada;
- (h) "legal aid" means professional services provided under this Act and the regulations;
- (i) "person" means an individual;
- (j) "regulations" means the regulations made under this Act;
- (k) "student" means a person enrolled in the Bar Admission Course or in any law course approved by the Law Society;

(l) "Treasurer" means the Treasurer of the Law Society;

(m) "welfare officer" means an officer of the Department of Public Welfare designated by the Minister of Public Welfare under this Act.

Operation  
of plan

**2.** Subject to the approval of the Attorney General, the Law Society is hereby empowered to establish and administer a legal aid plan in accordance with this Act and the regulations.

Appoint-  
ment of  
Director,  
area  
directors,  
and staff

**3.—(1)** Subject to the approval of the Attorney General, the Law Society shall,

(a) appoint a Director of Legal Aid;

(b) appoint an area director for each area; and

(c) employ such other persons as it considers necessary.

Accommoda-  
tion, etc.

(2) The Law Society shall provide such office accommodation, furniture, equipment and supplies as it considers necessary.

Area  
legal aid  
committees

**4.—(1)** The Law Society may appoint a legal aid committee for an area.

Composition,  
etc.

(2) Each committee shall be composed of such number of members, shall be organized, and shall perform such functions, as the regulations prescribe.

Secretary

(3) The area director shall act as secretary of the area committee.

Legal Aid  
Fund,  
payments in

**5.—(1)** The Law Society shall,

(a) establish and maintain a fund to be known as the Legal Aid Fund into which shall be paid all moneys appropriated by the Legislature for the Fund, all costs awarded to recipients of legal aid, and all contributions made by recipients of legal aid who are required to pay any part of its cost; and

(b) keep such accounts and records of the transactions of the Fund as the regulations prescribe.

payments  
out

(2) The Law Society shall, subject to the regulations, pay out of the Fund,

(a) its expenses attributable to the administration of this Act and the regulations, including,

- (i) the expenses of the Treasurer and benchers and the expenses and allowances of members of committees,
  - (ii) the cost of office accommodation, furniture, equipment and supplies,
  - (iii) the salaries and expenses of the Director, area directors and other persons employed by the Law Society in the administration of this Act, and
  - (iv) the employer's contributions to any superannuation or pension plan that benefits the persons employed by the Law Society in the administration of this Act or to which such persons may contribute;
- (b) the fees and proper out-of-pocket disbursements of barristers and solicitors for legal aid;
- (c) the fees and proper out-of-pocket disbursements of duty counsel; and
- (d) audit fees.

**6.** The Law Society shall, at least once in every fiscal year <sup>Estimates</sup> of the Government at such time as the Attorney General directs, submit to him an estimate of the sum required to meet the payments out of the Fund during the next succeeding fiscal year of the Government after making allowance for the moneys that are estimated will be received from other sources.

**7.—**(1) The moneys required for the purposes of this Act <sup>Moneys</sup> during the fiscal year 1966-67 shall be paid out of the Consolidated Revenue Fund, and thereafter such moneys shall be paid out of the moneys appropriated by the Legislature for the purposes of this Act.

(2) The moneys required for the purposes of this Act shall <sup>Payment of</sup> be paid to the Law Society by the Treasurer of Ontario from <sup>appropriated</sup> time to time upon the requisition of the Law Society. <sup>moneys</sup>

**8.** The Provincial Auditor shall examine and report upon <sup>Auditor</sup> the accounts and financial transactions of the Fund.

**9.—**(1) There shall be an advisory committee on legal aid <sup>Advisory</sup> composed of, <sup>committee</sup>



- (a) a judge of the High Court;
- (b) a judge of a county or district court;
- (c) a magistrate;
- (d) two members of the Bar of Ontario;
- (e) a person holding a responsible position in the field of public welfare; and
- (f) such other persons,

as the Attorney General may appoint.

**Term of  
office**

(2) Each member of the committee shall serve for a term of one, two or three years and may be re-appointed on the expiry of the period for which he was appointed.

**Report**

(3) The committee shall report at least once in every year to the Attorney General,

- (a) on the operation of the legal aid plan; and
- (b) on the annual report of the Law Society to the Attorney General mentioned in section 10.

**Annual  
report**

**10.** The Law Society shall make a report annually to the Attorney General for the twelve months ending on the 31st day of March of the year in which the report is made containing,

- (a) a statement of the nature and amount of legal aid given during the year;
- (b) a statement of the receipts and disbursements of the Fund during the year;
- (c) a copy of the auditor's report for the year;
- (d) general information as to the working of this Act and the regulations; and
- (e) such other information as the Attorney General requests.

**Idem**

**11.** The Attorney General shall submit the reports mentioned in sections 9 and 10 to the Lieutenant Governor in Council and shall then lay such reports before the Assembly if it is in session or, if not, at the next ensuing session.

**12.** Except where otherwise provided in this Act, a certificate shall be issued to a person entitled thereto in respect of any proceeding or proposed proceeding, <sup>Where legal aid may be given</sup>

- (a) in the Supreme Court;
- (b) in a county or district court;
- (c) in a surrogate court;
- (d) where the applicant is charged with an indictable offence or where an application is made for a sentence of preventive detention under Part XXI of the *Criminal Code* (Canada); <sup>1953-54, c. 51 (Can.)</sup>
- (e) under the *Extradition Act* (Canada) or the *Fugitive Offenders Act* (Canada); and <sup>R.S.C. 1952, cc. 322, 127</sup>
- (f) in the Exchequer Court of Canada.

**13.** Subject to the discretion of the area director, a certificate may be issued to a person otherwise entitled thereto, <sup>Idem, subject to discretion of area director</sup>

- (a) in any summary conviction proceeding under any Act of the Parliament of Canada or of this Legislature if upon conviction there is likelihood of imprisonment or loss of means of earning a livelihood;
- (b) in any proceeding,
  - (i) in a juvenile and family court,
  - (ii) in a division court,
  - (iii) before a quasi-judicial or administrative board or commission, or
  - (iv) in bankruptcy subsequent to a receiving order or an authorized assignment; or
- (c) for drawing documents, negotiating settlements or giving legal advice wherever the subject-matter or nature thereof is properly or customarily within the scope of the professional duties of a barrister and solicitor.

**14.—(1)** Subject to the approval of the area legal aid committee, a certificate may be issued to a person otherwise entitled thereto, <sup>Idem, with approval of area legal aid committee</sup>

(a) in an appeal,

- (i) to the Supreme Court of Canada,
- (ii) to the Exchequer Court of Canada,
- (iii) to the Court of Appeal for Ontario,
- (iv) to a judge sitting in court or chambers,
- (v) under Part XXIV of the *Criminal Code* (Canada) or *The Summary Convictions Act*, or
- (vi) to a court of revision from a municipal assessment of a property that is the residence of the applicant and by way of appeal from the decision of the court of revision thereon to the judge of a county or district court and by way of appeal from the decision of such judge to the Ontario Municipal Board,
- (vii) to a quasi-judicial or administrative board or Commission; or

(b) in a proceeding by way of certiorari, motion to quash, habeas corpus, or prohibition; and

(c) in any matter referred by the area director to the area committee.

Procedure

(2) An application for legal aid in a proceeding under this section shall be made to the area director in the prescribed form, and the area director shall submit the application and supporting material to the area legal aid committee.

Idem

(3) The area legal aid committee shall consider the application and the supporting material and provide legal aid only if in the opinion of the committee the issue of a certificate is justified.

Appeal

(4) An appeal lies to the Director from a decision of the area legal aid committee dismissing an application under this section.

Later applications not barred

(5) Failure to apply for legal aid in the first instance does not bar an application for legal aid under this section.

Where legal aid not to be given

**15.** A certificate shall not be issued to a person,

- (a) in proceedings wholly or partly in respect of defamation, breach of promise of marriage, loss of service



of a female in consequence of rape or seduction, alienation of affections or criminal conversation;

(b) in relator actions;

(c) in proceedings for the recovery of a penalty where the proceedings may be taken by any person and the penalty in whole or in part may be payable to the person instituting the proceedings; or

(d) in proceedings relating to any election.

**16.** Any costs paid or payable to a person to whom legal aid has been given under this Act are the property of the Law Society and shall be paid into the Fund. Disposition of costs

**17.**—(1) Every application for legal aid shall be made in the prescribed form addressed to the area director of the area in which the applicant resides at the time the application is made. Applications

(2) Every application for legal aid shall be referred by the area director to a welfare officer for a report as to whether the applicant can pay no part, some part or the whole of the cost of the legal aid applied for. Reference to welfare officer

(3) The welfare officer to whom the application is referred shall consider the income, disposable capital, indebtedness, requirements of persons dependent on the applicant, and such other circumstances as he deems to be relevant that are disclosed in the application or that he ascertains after inquiry, and he shall report to the area director as to whether the applicant can pay no part, some part or the whole of the cost of the legal aid applied for and the sum, if any, the applicant is able to contribute towards the cost thereof. Function of welfare officer

(4) Subject to subsection 5, the area director may issue a certificate only when he has received the report of the welfare officer and only where in the opinion of the area director the issue of a certificate is justified. Issue of certificate

(5) Where in the opinion of the area director the circumstances of an application require the issue of a certificate immediately, he may issue a provisional certificate without having first received the report of the welfare officer. Provisional certificate in exceptional cases

(6) On receipt of the report of the welfare officer and whether or not a provisional certificate has been issued, the area director may issue a certificate. Issue of certificate

**Terms and conditions** (7) An area director in issuing a certificate or provisional certificate may impose such terms and conditions as he deems proper.

**Cancellation** (8) An area director may at any time cancel any certificate or provisional certificate issued by him.

**Applications of non-residents** (9) An application for legal aid by a person not ordinarily resident in Ontario shall be disposed of by the Director.

**Appeal** (10) An appeal lies to the area committee from the refusal of the area director to issue a certificate or from the cancellation of a certificate.

**Recovery of contributions** **18.**—(1) The sum that a person is able to contribute towards the cost of legal aid given to him as set out in his certificate shall be paid by him and is a debt owing to the Law Society and may be recovered in any court of competent jurisdiction.

**Lien on sum recovered** (2) Where a person who has been given legal aid in connection with any proceedings recovers any sum as a result of the proceedings, an amount equal to the cost of such legal aid, less any sum that the person may have contributed to the cost, is a charge against the sum so recovered and shall be deducted therefrom and paid into the Fund.

**No legal aid without certificate** **19.** Except as to the professional services provided by duty counsel, no person is entitled to legal aid in any matter unless he holds a certificate or a provisional certificate respecting such matter that has been issued to him in accordance with this Act and the regulations.

**Legal panels** **20.** There may be established in accordance with the regulations,

- (a) panels of barristers and solicitors who agree to give legal aid;
- (b) panels of barristers and solicitors who agree to provide professional services as duty counsel;
- (c) panels of barristers and solicitors who agree to give legal advice; and
- (d) student legal aid societies.

**Payment for professional services** **21.**—(1) Every barrister and solicitor on a panel mentioned in clause *a* or *b* of section 20 who provides professional services under this Act shall be paid out of the Fund an amount equal to three-fourths of the fees customarily payable as between



a barrister or solicitor and his client for services rendered, as determined by the regulations, an amount equal to his proper out-of-pocket disbursements in the proceeding or matter in which legal aid is given.

(2) Every barrister and solicitor on a panel mentioned in clause *c* of section 20 shall be paid in accordance with the regulations. <sup>Idem</sup>

**22.**—(1) Except in accordance with this Act and the regulations, no barrister and solicitor shall take or receive any payment in respect of any professional services provided by him under this Act or the regulations. <sup>Authorized payments only</sup>

(2) Notwithstanding *The Legislative Assembly Act*, the receipt of fees by a member of the Assembly for providing professional services under this Act does not affect his eligibility as a member of the Assembly or his right to sit or vote therein. <sup>Members of the Assembly R.S.O. 1960, c. 208</sup>

**23.** The Law Society is not liable for any act or omission of any barrister and solicitor who provides professional services under this Act or the regulations. <sup>Law Society not liable</sup>

**24.**—(1) Subject to the approval of the Lieutenant Governor in Council, the Law Society may make regulations respecting the establishment and administration of a legal aid plan and, without limiting the generality of the foregoing, may make regulations, <sup>Regulations</sup>

- (a) prescribing the duties of the Director, the area directors and other persons employed for the purposes of this Act;
- (b) prescribing the accounts and records that shall be kept of the transactions of the Fund;
- (c) respecting the payment out of the Fund of the expenses of the Law Society attributable to the administration of this Act and the regulations;
- (d) designating parts of Ontario as areas for the purposes of this Act;
- (e) providing for area legal aid committees, their composition and organization, and prescribing their functions;
- (f) respecting the establishment and functions of the panels and societies mentioned in section 20;
- (g) respecting applications for legal aid;

- (h) respecting entitlement to legal aid;
- (i) respecting certificates and provisional certificates;
- (j) respecting the fees to be paid to barristers and solicitors for professional services under this Act or the regulations;
- (k) providing for the settlement of accounts for professional services under this Act or the regulations and for an appeal therefrom;
- (l) providing for the recovery of and payment into the Fund of moneys due to the Fund;
- (m) providing for the payment out of the Fund of costs awarded against a person to whom legal aid has been given;
- (n) prescribing forms and providing for their use.

Designation  
by Attorney  
General

(2) The Attorney General may designate persons for the purposes of clause *k* of subsection 1.

R.S.O. 1960,  
c. 207, s. 52,  
repealed

**25.** Section 52 of *The Law Society Act* is repealed.

Commence-  
ment

**26.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**27.** This Act may be cited as *The Legal Aid Act, 1966*.









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*1st Reading*

May 26th, 1966

*2nd Reading*

June 8th, 1966

*3rd Reading*

June 28th, 1966

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MR. WISHART

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# BILL 131

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## An Act to modify the Rule against Perpetuities

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MR. WISHART

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#### EXPLANATORY NOTE

This Bill and its three companion Bills, *An Act to amend The Accumulations Act*, *An Act to amend The Conveyancing and Law of Property Act* and *An Act to amend The Trustee Act*, are recommended by the Ontario Law Reform Commission.

It is the same as Bill 96 of last Session with some changes in the light of further study.

The rule against perpetuities is a judge-made rule that had its origins early in the seventeenth century. This technical and arbitrary rule may be said to have served a useful function, but in the long course of its development it has acquired certain unsatisfactory attributes which can now be removed only by legislation.

The last decade has seen a great deal of interest in the subject by legal scholars, a great deal of research has been done and a rising tide of critical writing is making its appearance in legal literature. Already statutory reform has been effected in Great Britain and in some of the states in Australia and the United States of America.

For an understanding of the rule, its present inappropriateness and the reforms that are contained in this Bill, it is necessary to study Report Number 1 and Report Number 1A of the Ontario Law Reform Commission, copies of which are available from the Department of the Attorney General.

## An Act to modify the Rule against Perpetuities

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpre-  
tation

- (a) "court" means the Supreme Court;
- (b) "in being" means living or *en ventre sa mere*;
- (c) "limitation" includes any provision whereby property or any interest in property, or any right, power or authority over property, is disposed of, created or conferred.

2. The rule of law known as the rule against perpetuities shall continue to have full effect except as provided in this Act. Rule  
against  
perpetuities  
to continue;  
saving

3. No limitation creating a contingent interest in real or personal property shall be treated as or declared to be invalid as violating the rule against perpetuities by reason only of the fact that there is a possibility of such interest vesting beyond the perpetuity period. Possibility  
of vesting  
beyond  
period

4.—(1) Every contingent interest in real or personal property that is capable of vesting within or beyond the perpetuity period shall be presumptively valid until actual events establish, Pre-  
sumption of  
validity and  
"Wait and  
See"

- (a) that the interest is incapable of vesting within the perpetuity period, in which case the interest, unless validated by the application of sections 8 and 9, shall be treated as void or declared to be void; or
- (b) that the interest is incapable of vesting beyond the perpetuity period, in which case the interest shall be treated as valid or declared to be valid.

General  
power of  
appoint-  
ment

(2) A limitation conferring a general power of appointment, which but for this section would be void on the ground that it might become exercisable beyond the perpetuity period, shall be presumptively valid until such time, if any, as it becomes established by actual events that the power cannot be exercised within the perpetuity period.

Special  
power of  
appoint-  
ment, etc.

(3) A limitation conferring any power, option or other right, other than a general power of appointment, which apart from this section would have been void on the ground that it might be exercised beyond the perpetuity period, shall be presumptively valid, and shall be declared or treated as void for remoteness only if, and so far as, the right is not fully exercised within the perpetuity period.

Applications  
to determine  
validity

**5.—**(1) An executor or a trustee of any property or any person interested under, or on the validity or invalidity of, an interest in such property may at any time apply to the court for a declaration as to the validity or invalidity with respect to the rule against perpetuities of an interest in that property, and the court may on such application make an order as to validity or invalidity of an interest based on the facts existing and the events that have occurred at the time of the application and having regard to sections 8 and 9.

Interim  
income

(2) Pending the treatment or declaration of a presumptively valid interest within the meaning of subsection 1 of section 4 as valid or invalid, the income arising from such interest and not otherwise disposed of shall be treated as income arising from a valid contingent interest, and any uncertainty whether the limitation will ultimately prove to be void for remoteness shall be disregarded.

Measure-  
ment of  
perpetuity  
period

**6.—**(1) Except as provided in section 9, subsection 3 of section 13 and subsection 2 of section 15, the perpetuity period shall be measured in the same way as if this Act had not been passed, but, in measuring that period by including a life in being when the interest was created, no life shall be included other than that of any person whose life, at the time the interest was created, limits or is a relevant factor that limits in some way the period within which the conditions for vesting of the interest may occur.

Idem

(2) A life that is a relevant factor in limiting the time for vesting of any part of a gift to a class shall be a relevant life in relation to the entire class.

Idem

(3) Where there is no life satisfying the conditions of subsection 1, the perpetuity period shall be twenty-one years.



7.—(1) Where, in any proceeding respecting the rule against perpetuities, a question arises that turns on the ability of a person to have a child at some future time, then, <sup>Pre-  
sumptions  
and evidence  
as to future  
parenthood</sup>

(a) it shall be presumed,

(i) that a male is able to have a child at the age of fourteen years or over, but not under that age, and

(ii) that a female is able to have a child at the age of twelve years or over, but not under that age or over the age of fifty-five years; but,

(b) in the case of a living person, evidence may be given to show that he or she will or will not be able to have a child at the time in question.

(2) Subject to subsection 3, where any question is decided <sup>Idem</sup> in relation to a limitation of interest by treating a person as able or unable to have a child at a particular time, then he or she shall be so treated for the purpose of any question that may arise concerning the rule against perpetuities in relation to the same limitation or interest notwithstanding that the evidence on which the finding of ability or inability to have a child at a particular time is proved by subsequent events to have been erroneous.

(3) Where a question is decided by treating a person as <sup>Idem</sup> unable to have a child at a particular time and such person subsequently has a child or children at that time, the court may make such order as it sees fit to protect the right that such child or children would have had in the property concerned as if such question had not been decided and as if such child or children would, apart from such decision, have been entitled to a right in the property not in itself invalid by the application of the rule against perpetuities as modified by this Act.

(4) The possibility that a person may at any time have <sup>Idem</sup> a child by adoption, legitimation or by means other than by procreating or giving birth to a child shall not be considered in deciding any question that turns on the ability of a person to have a child at some particular time, but, if a person does subsequently have a child or children by such means, then subsection 3 applies to such child or children.

8.—(1) Where a limitation creates an interest in real or <sup>Reduction  
of age</sup> personal property by reference to the attainment by any person or persons of a specified age exceeding twenty-one

years, and actual events existing at the time the interest was created or at any subsequent time establish,

- (a) that the interest, apart from this section, would be void as incapable of vesting within the perpetuity period; but
- (b) that it would not be void if the specified age had been twenty-one years,

the limitation shall be read as if, instead of referring to the age specified, it had referred to the age nearest the age specified that would, if specified instead, have prevented the interest from being so void.

Exclusion  
of class  
members  
to avoid  
remoteness

(2) Where the inclusion of any persons, being potential members of a class or unborn persons who at birth would become members or potential members of the class, prevents subsection 1 from operating to save a limitation creating an interest in favour of a class of persons from being void for remoteness, such persons shall be excluded from the class for all purposes of the limitation, and the limitation takes effect accordingly.

Idem

(3) Where a limitation creates an interest in favour of a class to which subsection 2 does not apply and actual events at the time of the creation of the interest or at any subsequent time establish that, apart from this subsection, the inclusion of any persons, being potential members of a class or unborn persons who at birth would become members or potential members of the class, would cause the limitation to the class to be void for remoteness, such persons shall be excluded from the class for all purposes of the limitation, and the limitation takes effect accordingly.

Interpre-  
tation

(4) For the purposes of this section, a person shall be treated as a member of a class if in his case all the conditions identifying a member of the class are satisfied, and a person shall be treated as a potential member if in his case some only of those conditions are satisfied but there is a possibility that the remainder will in time be satisfied.

Spouses

9. Where any disposition is made in favour of any spouse of a person in being at the commencement of the perpetuity period, or where a limitation creates an interest in real or personal property by reference to the time of the death of the survivor of a person in being at the commencement of the perpetuity period and any spouse of that person, for the purpose of validating any such disposition or limitation, that but for this section would be void as offending the rule against

perpetuities as modified by this Act, the spouse of such person shall be deemed to be a life in being at the commencement of the perpetuity period even though such spouse was not born until after that time.

**10.**—(1) A limitation that, if it stood alone, would be valid <sup>Saving</sup> under the rule against perpetuities is not invalidated by reason only that it is preceded by one or more limitations that are invalid under the rule against perpetuities, whether or not such limitation expressly or by implication takes effect after, or is subject to, or is ulterior to and dependent upon, any such invalid limitation.

(2) Where a limitation is invalid under the rule against <sup>Acceleration of expectant interests</sup> perpetuities, any subsequent interest that, if it stood alone, would be valid shall not be prevented from being accelerated by reason only of the invalidity of the prior interest.

**11.**—(1) For the purpose of the rule against perpetuities, <sup>Powers of appointment</sup> a power of appointment shall be treated as a special power unless,

- (a) in the instrument creating the power it is expressed to be exercisable by one person only; and
- (b) it could, at all times during its currency when that person is of full age and capacity, be exercised by him so as immediately to transfer to himself the whole of the interest governed by the power without the consent of any other person or compliance with any other condition, not being a formal condition relating only to the mode of exercise of the power.

(2) A power that satisfies the conditions of clauses *a* and *b* of <sup>Idem</sup> subsection 1 shall, for the purpose of the rule against perpetuities, be treated as a general power.

(3) For the purpose of determining whether an appointment <sup>Idem</sup> made under a power of appointment exercisable by will only is void for remoteness, the power shall be treated as a general power where it would have been so treated if exercisable by deed.

**12.**—(1) The rule against perpetuities does not invalidate <sup>Administrative powers of trustees</sup> a power conferred on trustees or other persons to sell, lease, exchange or otherwise dispose of any property, or to do any other act in the administration (as opposed to the distribution) of any property including, where authorized, payment to trustees or other persons of reasonable remuneration for their services.



Application  
of subs. 1

(2) Subsection 1 applies for the purpose of enabling a power to be exercised at any time after this Act comes into force, notwithstanding that the power is conferred by an instrument that took effect before that time.

Options to  
acquire  
reversionary  
interests

**13.**—(1) The rule against perpetuities does not apply to an option to acquire for valuable consideration an interest reversionary on the term of a lease,

- (a) if the option is exercisable only by the lessee or his successors in title; and
- (b) if it ceases to be exercisable at or before the expiration of one year following the determination of the lease.

Application  
of subs. 1

(2) Subsection 1 applies to an agreement for a lease as it applies to a lease, and “lessee” shall be construed accordingly.

Other  
options

■ (3) In the case of all other options to acquire for valuable consideration any interest in land, the perpetuity period under the rule against perpetuities is twenty-one years, and any such option that according to its terms is exercisable at a date more than twenty-one years from the date of its creation is void on the expiry of twenty-one years from the date of its creation as between the person by whom it was made and the person to whom or in whose favour it was made and all persons claiming through either or both of them, and no remedy lies for giving effect to it or making restitution for its lack of effect.

Options  
to renew  
leases

(4) The rule against perpetuities does not apply nor do the provisions of subsection 3 of this section apply to options to renew a lease.

Easements,  
profits  
a prendre,  
etc.

**14.** In the case of an easement, profit a prendre or other similar interest to which the rule against perpetuities may be applicable, the perpetuity period shall be forty years from the time of the creation of such easement, profit a prendre, or other similar interest, and the validity or invalidity of such easement, profit a prendre or other similar interest, so far as remoteness is concerned, shall be determined by actual events within such forty-year period, and the easement, profit a prendre or other similar interest is void only for remoteness if, and to the extent that, it fails to acquire the characteristics of a present exercisable right in the servient land within the forty-year period.

Deter-  
minable  
interests

**15.**—(1) In the case of,

- (a) a possibility of reverter on the determination of a determinable fee simple; or

- (b) a possibility of a resulting trust on the determination of any determinable interest in real or personal property,

the rule against perpetuities as modified by this Act applies in relation to the provision causing the interest to be determinable as it would apply if that provision were expressed in the form of a condition subsequent giving rise on its breach to a right of re-entry or an equivalent right in the case of personal property, and, where the event that determines the determinable interest does not occur within the perpetuity period, the provision shall be treated as void for remoteness and the determinable interest becomes an absolute interest.

(2) In the case of a possibility of reverter on the determination of a determinable fee simple, or in the case of a possibility of a resulting trust on the determination of any determinable interest in any real or personal property, or in the case of a right of re-entry following on a condition subsequent, or in the case of an equivalent right in personal property, the perpetuity period shall be measured as if the event determining the prior interest were a condition to the vesting of the subsequent interest, and failing any life in being at the time the interests were created that limits or is a relevant factor that limits in some way the period within which that event may take place, the perpetuity period shall be twenty-one years from the time when the interests were created. <sup>Idem</sup>

(3) Even though some life or lives in being may be relevant in determining the perpetuity period under subsection 2, the perpetuity period for the purposes of this section shall not exceed a period of forty years from the time when the interests were created and shall be the lesser of a period of forty years and a period composed of the relevant life or lives in being and twenty-one years. <sup>Idem</sup>

**16.**—(1) A trust for a specific non-charitable purpose that creates no enforceable equitable interest in a specific person shall be construed as a power to appoint the income or the capital, as the case may be, and, unless the trust is created for an illegal purpose or a purpose contrary to public policy, the trust is valid so long as and to the extent that it is exercised either by the original trustee or his successor, within a period of twenty-one years, notwithstanding that the limitation creating the trust manifested an intention, either expressly or by implication, that the trust should or might continue for a period in excess of that period, but, in the case of such a trust that is expressed to be of perpetual duration, the court may declare the limitation to be void if the court is of opinion <sup>Specific non-charitable trusts</sup>



that by so doing the result would more closely approximate the intention of the creator of the trust than the period of validity provided by this section.

**Idem** (2) To the extent that the income or capital of a trust for a specific non-charitable purpose is not fully expended within a period of twenty-one years, or within any annual or other recurring period within which the limitation creating the trust provided for the expenditure of all or a specified portion of the income or the capital, the person or persons, or his or their successors, who would have been entitled to the property comprised in the trust if the trust had been invalid from the time of its creation, are entitled to such unexpended income or capital.

**Rule in *Whitby* vs. *Mitchell* abolished** **17.** The rule of law prohibiting the limitation, after a life interest to an unborn person, of an interest in land to the unborn child or other issue of an unborn person is hereby abolished, but without affecting any other rule relating to perpetuities.

**Rules as to perpetuities not applicable to employee-benefit trusts** **18.** The rules of law and statutory enactments relating to perpetuities do not apply and shall be deemed never to have applied to the trusts of a plan, trust or fund established for the purpose of providing pensions, retirement allowances, annuities, or sickness, death or other benefits, to employees or to their widows, dependants or other beneficiaries.

**Application of Act** **19.** Except as provided in subsection 2 of section 12 and in section 18, this Act applies only to instruments that take effect after this Act comes into force, and such instruments include an instrument made in the exercise of a general or special power of appointment after this Act comes into force even though the instrument creating the power took effect before this Act comes into force.

**Short title** **20.** This Act may be cited as *The Perpetuities Act, 1966*.



An Act to modify  
the Rule against Perpetuities

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*1st Reading*

May 26th, 1966

*2nd Reading*

*3rd Reading*

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MR. WISHART

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# **BILL 131**

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

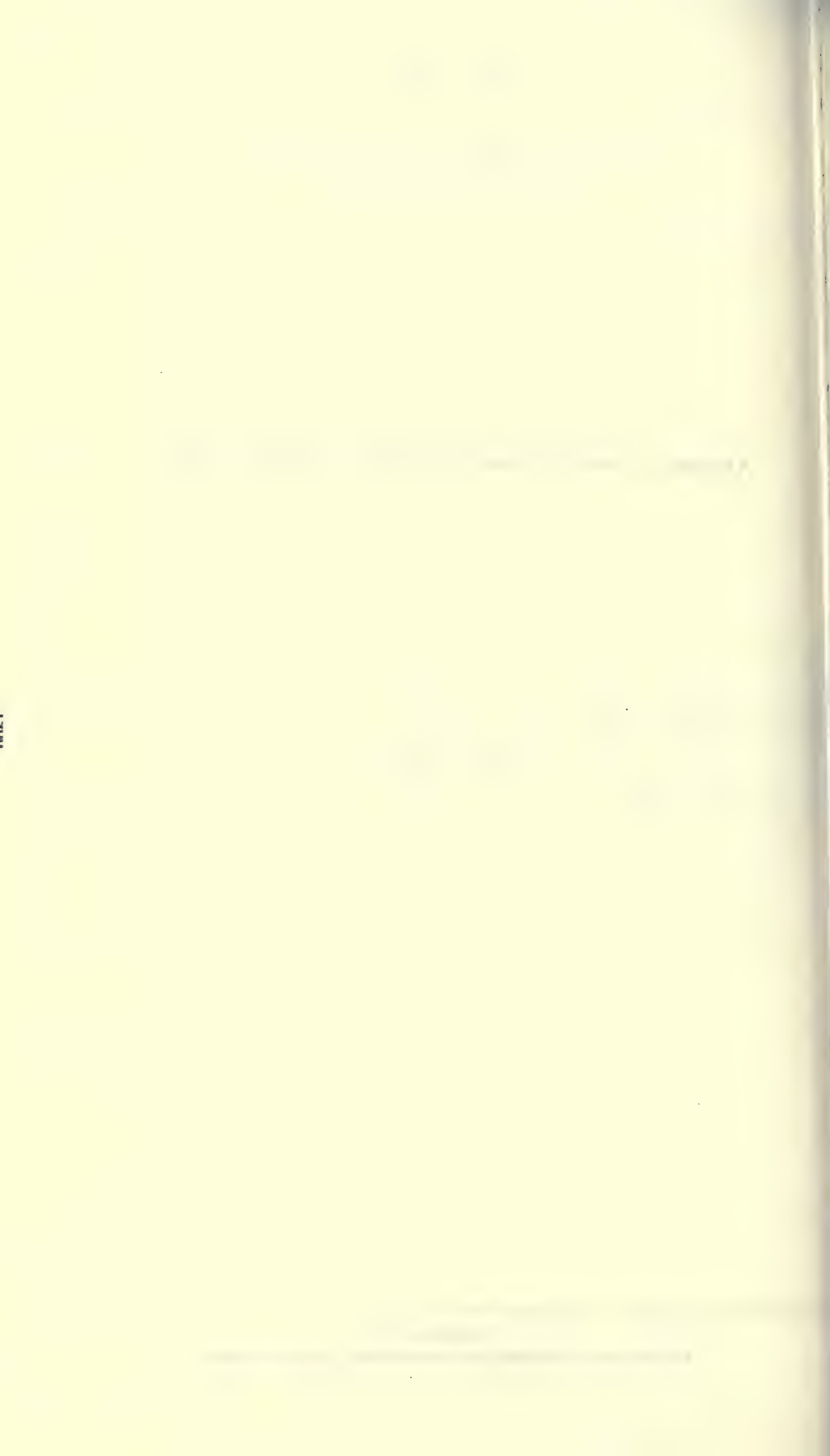
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## **An Act to modify the Rule against Perpetuities**

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MR. WISHART

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## An Act to modify the Rule against Perpetuities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "court" means the Supreme Court;
- (b) "in being" means living or *en ventre sa mere*;
- (c) "limitation" includes any provision whereby property or any interest in property, or any right, power or authority over property, is disposed of, created or conferred.

2. The rule of law known as the rule against perpetuities shall continue to have full effect except as provided in this Act.

Rule  
against  
perpetuities  
to continue;  
saving

3. No limitation creating a contingent interest in real or personal property shall be treated as or declared to be invalid as violating the rule against perpetuities by reason only of the fact that there is a possibility of such interest vesting beyond the perpetuity period.

Possibility  
of vesting  
beyond  
period

4.—(1) Every contingent interest in real or personal property that is capable of vesting within or beyond the perpetuity period shall be presumptively valid until actual events establish,

Pre-  
sumption of  
validity and  
"Wait and  
See"

- (a) that the interest is incapable of vesting within the perpetuity period, in which case the interest, unless validated by the application of sections 8 and 9, shall be treated as void or declared to be void; or
- (b) that the interest is incapable of vesting beyond the perpetuity period, in which case the interest shall be treated as valid or declared to be valid.

General  
power of  
appoint-  
ment

(2) A limitation conferring a general power of appointment, which but for this section would be void on the ground that it might become exercisable beyond the perpetuity period, shall be presumptively valid until such time, if any, as it becomes established by actual events that the power cannot be exercised within the perpetuity period.

Special  
power of  
appoint-  
ment, etc.

(3) A limitation conferring any power, option or other right, other than a general power of appointment, which apart from this section would have been void on the ground that it might be exercised beyond the perpetuity period, shall be presumptively valid, and shall be declared or treated as void for remoteness only if, and so far as, the right is not fully exercised within the perpetuity period.

Applications  
to determine  
validity

**5.—**(1) An executor or a trustee of any property or any person interested under, or on the validity or invalidity of, an interest in such property may at any time apply to the court for a declaration as to the validity or invalidity with respect to the rule against perpetuities of an interest in that property, and the court may on such application make an order as to validity or invalidity of an interest based on the facts existing and the events that have occurred at the time of the application and having regard to sections 8 and 9.

Interim  
income

(2) Pending the treatment or declaration of a presumptively valid interest within the meaning of subsection 1 of section 4 as valid or invalid, the income arising from such interest and not otherwise disposed of shall be treated as income arising from a valid contingent interest, and any uncertainty whether the limitation will ultimately prove to be void for remoteness shall be disregarded.

Measure-  
ment of  
perpetuity  
period

**6.—**(1) Except as provided in section 9, subsection 3 of section 13 and subsection 2 of section 15, the perpetuity period shall be measured in the same way as if this Act had not been passed, but, in measuring that period by including a life in being when the interest was created, no life shall be included other than that of any person whose life, at the time the interest was created, limits or is a relevant factor that limits in some way the period within which the conditions for vesting of the interest may occur.

Idem

(2) A life that is a relevant factor in limiting the time for vesting of any part of a gift to a class shall be a relevant life in relation to the entire class.

Idem

(3) Where there is no life satisfying the conditions of subsection 1, the perpetuity period shall be twenty-one years.

7.—(1) Where, in any proceeding respecting the rule <sup>Pre-  
sumptions  
and evidence  
as to future  
parenthood</sup> against perpetuities, a question arises that turns on the ability of a person to have a child at some future time, then,

(a) it shall be presumed,

(i) that a male is able to have a child at the age of fourteen years or over, but not under that age, and

(ii) that a female is able to have a child at the age of twelve years or over, but not under that age or over the age of fifty-five years; but,

(b) in the case of a living person, evidence may be given to show that he or she will or will not be able to have a child at the time in question.

(2) Subject to subsection 3, where any question is decided <sup>Idem</sup> in relation to a limitation of interest by treating a person as able or unable to have a child at a particular time, then he or she shall be so treated for the purpose of any question that may arise concerning the rule against perpetuities in relation to the same limitation or interest notwithstanding that the evidence on which the finding of ability or inability to have a child at a particular time is proved by subsequent events to have been erroneous.

(3) Where a question is decided by treating a person as <sup>Idem</sup> unable to have a child at a particular time and such person subsequently has a child or children at that time, the court may make such order as it sees fit to protect the right that such child or children would have had in the property concerned as if such question had not been decided and as if such child or children would, apart from such decision, have been entitled to a right in the property not in itself invalid by the application of the rule against perpetuities as modified by this Act.

(4) The possibility that a person may at any time have <sup>Idem</sup> a child by adoption, legitimation or by means other than by procreating or giving birth to a child shall not be considered in deciding any question that turns on the ability of a person to have a child at some particular time, but, if a person does subsequently have a child or children by such means, then subsection 3 applies to such child or children.

8.—(1) Where a limitation creates an interest in real or <sup>Reduction  
of age</sup> personal property by reference to the attainment by any person or persons of a specified age exceeding twenty-one



years, and actual events existing at the time the interest was created or at any subsequent time establish,

- (a) that the interest, apart from this section, would be void as incapable of vesting within the perpetuity period; but
- (b) that it would not be void if the specified age had been twenty-one years,

the limitation shall be read as if, instead of referring to the age specified, it had referred to the age nearest the age specified that would, if specified instead, have prevented the interest from being so void.

Exclusion  
of class  
members  
to avoid  
remoteness

(2) Where the inclusion of any persons, being potential members of a class or unborn persons who at birth would become members or potential members of the class, prevents subsection 1 from operating to save a limitation creating an interest in favour of a class of persons from being void for remoteness, such persons shall be excluded from the class for all purposes of the limitation, and the limitation takes effect accordingly.

Idem

(3) Where a limitation creates an interest in favour of a class to which subsection 2 does not apply and actual events at the time of the creation of the interest or at any subsequent time establish that, apart from this subsection, the inclusion of any persons, being potential members of a class or unborn persons who at birth would become members or potential members of the class, would cause the limitation to the class to be void for remoteness, such persons shall be excluded from the class for all purposes of the limitation, and the limitation takes effect accordingly.

Interpre-  
tation

(4) For the purposes of this section, a person shall be treated as a member of a class if in his case all the conditions identifying a member of the class are satisfied, and a person shall be treated as a potential member if in his case some only of those conditions are satisfied but there is a possibility that the remainder will in time be satisfied.

Spouses

9. Where any disposition is made in favour of any spouse of a person in being at the commencement of the perpetuity period, or where a limitation creates an interest in real or personal property by reference to the time of the death of the survivor of a person in being at the commencement of the perpetuity period and any spouse of that person, for the purpose of validating any such disposition or limitation, that but for this section would be void as offending the rule against

perpetuities as modified by this Act, the spouse of such person shall be deemed to be a life in being at the commencement of the perpetuity period even though such spouse was not born until after that time.

**10.**—(1) A limitation that, if it stood alone, would be valid <sup>Saving</sup> under the rule against perpetuities is not invalidated by reason only that it is preceded by one or more limitations that are invalid under the rule against perpetuities, whether or not such limitation expressly or by implication takes effect after, or is subject to, or is ulterior to and dependent upon, any such invalid limitation.

(2) Where a limitation is invalid under the rule against <sup>Acceleration of expectant interests</sup> perpetuities, any subsequent interest that, if it stood alone, would be valid shall not be prevented from being accelerated by reason only of the invalidity of the prior interest.

**11.**—(1) For the purpose of the rule against perpetuities, <sup>Powers of appointment</sup> a power of appointment shall be treated as a special power unless,

(a) in the instrument creating the power it is expressed to be exercisable by one person only; and

(b) it could, at all times during its currency when that person is of full age and capacity, be exercised by him so as immediately to transfer to himself the whole of the interest governed by the power without the consent of any other person or compliance with any other condition, not being a formal condition relating only to the mode of exercise of the power.

(2) A power that satisfies the conditions of clauses *a* and *b* of <sup>Idem</sup> subsection 1 shall, for the purpose of the rule against perpetuities, be treated as a general power.

(3) For the purpose of determining whether an appointment <sup>Idem</sup> made under a power of appointment exercisable by will only is void for remoteness, the power shall be treated as a general power where it would have been so treated if exercisable by deed.

**12.**—(1) The rule against perpetuities does not invalidate <sup>Administrative powers of trustees</sup> a power conferred on trustees or other persons to sell, lease, exchange or otherwise dispose of any property, or to do any other act in the administration (as opposed to the distribution) of any property including, where authorized, payment to trustees or other persons of reasonable remuneration for their services.



Application  
of subs. 1

(2) Subsection 1 applies for the purpose of enabling a power to be exercised at any time after this Act comes into force, notwithstanding that the power is conferred by an instrument that took effect before that time.

Options to  
acquire  
reversionary  
interests

**13.**—(1) The rule against perpetuities does not apply to an option to acquire for valuable consideration an interest reversionary on the term of a lease,

- (a) if the option is exercisable only by the lessee or his successors in title; and
- (b) if it ceases to be exercisable at or before the expiration of one year following the determination of the lease.

Application  
of subs. 1

(2) Subsection 1 applies to an agreement for a lease as it applies to a lease, and "lessee" shall be construed accordingly.

Other  
options

(3) In the case of all other options to acquire for valuable consideration any interest in land, the perpetuity period under the rule against perpetuities is twenty-one years, and any such option that according to its terms is exercisable at a date more than twenty-one years from the date of its creation is void on the expiry of twenty-one years from the date of its creation as between the person by whom it was made and the person to whom or in whose favour it was made and all persons claiming through either or both of them, and no remedy lies for giving effect to it or making restitution for its lack of effect.

Options  
to renew  
leases

(4) The rule against perpetuities does not apply nor do the provisions of subsection 3 of this section apply to options to renew a lease.

Easements,  
profits  
a prendre,  
etc.

**14.** In the case of an easement, profit a prendre or other similar interest to which the rule against perpetuities may be applicable, the perpetuity period shall be forty years from the time of the creation of such easement, profit a prendre, or other similar interest, and the validity or invalidity of such easement, profit a prendre or other similar interest, so far as remoteness is concerned, shall be determined by actual events within such forty-year period, and the easement, profit a prendre or other similar interest is void only for remoteness if, and to the extent that, it fails to acquire the characteristics of a present exercisable right in the servient land within the forty-year period.

Deter-  
minable  
interests

**15.**—(1) In the case of,

- (a) a possibility of reverter on the determination of a determinable fee simple; or

- (b) a possibility of a resulting trust on the determination of any determinable interest in real or personal property,

the rule against perpetuities as modified by this Act applies in relation to the provision causing the interest to be determinable as it would apply if that provision were expressed in the form of a condition subsequent giving rise on its breach to a right of re-entry or an equivalent right in the case of personal property, and, where the event that determines the determinable interest does not occur within the perpetuity period, the provision shall be treated as void for remoteness and the determinable interest becomes an absolute interest.

(2) In the case of a possibility of reverter on the determination of a determinable fee simple, or in the case of a possibility of a resulting trust on the determination of any determinable interest in any real or personal property, or in the case of a right of re-entry following on a condition subsequent, or in the case of an equivalent right in personal property, the perpetuity period shall be measured as if the event determining the prior interest were a condition to the vesting of the subsequent interest, and failing any life in being at the time the interests were created that limits or is a relevant factor that limits in some way the period within which that event may take place, the perpetuity period shall be twenty-one years from the time when the interests were created. <sup>Idem</sup>

(3) Even though some life or lives in being may be relevant in determining the perpetuity period under subsection 2, the perpetuity period for the purposes of this section shall not exceed a period of forty years from the time when the interests were created and shall be the lesser of a period of forty years and a period composed of the relevant life or lives in being and twenty-one years. <sup>Idem</sup>

**16.**—(1) A trust for a specific non-charitable purpose that creates no enforceable equitable interest in a specific person shall be construed as a power to appoint the income or the capital, as the case may be, and, unless the trust is created for an illegal purpose or a purpose contrary to public policy, the trust is valid so long as and to the extent that it is exercised either by the original trustee or his successor, within a period of twenty-one years, notwithstanding that the limitation creating the trust manifested an intention, either expressly or by implication, that the trust should or might continue for a period in excess of that period, but, in the case of such a trust that is expressed to be of perpetual duration, the court may declare the limitation to be void if the court is of opinion <sup>Specific non-charitable trusts</sup>

that by so doing the result would more closely approximate the intention of the creator of the trust than the period of validity provided by this section.

Idem

(2) To the extent that the income or capital of a trust for a specific non-charitable purpose is not fully expended within a period of twenty-one years, or within any annual or other recurring period within which the limitation creating the trust provided for the expenditure of all or a specified portion of the income or the capital, the person or persons, or his or their successors, who would have been entitled to the property comprised in the trust if the trust had been invalid from the time of its creation, are entitled to such unexpended income or capital.

Rule in  
*Whitby*  
vs.  
*Mitchell*  
abolished

**17.** The rule of law prohibiting the limitation, after a life interest to an unborn person, of an interest in land to the unborn child or other issue of an unborn person is hereby abolished, but without affecting any other rule relating to perpetuities.

Rules as to  
perpetuities  
not appli-  
cable to  
employee-  
benefit  
trusts

**18.** The rules of law and statutory enactments relating to perpetuities do not apply and shall be deemed never to have applied to the trusts of a plan, trust or fund established for the purpose of providing pensions, retirement allowances, annuities, or sickness, death or other benefits, to employees or to their widows, dependants or other beneficiaries.

Application  
of Act

**19.** Except as provided in subsection 2 of section 12 and in section 18, this Act applies only to instruments that take effect after this Act comes into force, and such instruments include an instrument made in the exercise of a general or special power of appointment after this Act comes into force even though the instrument creating the power took effect before this Act comes into force.

Short title

**20.** This Act may be cited as *The Perpetuities Act, 1966*.





An Act to modify  
the Rule against Perpetuities

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*1st Reading*

May 26th, 1966

*2nd Reading*

June 8th, 1966

*3rd Reading*

June 23rd, 1966

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Mr. WISHART

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## BILL 132

4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

### An Act to amend The Accumulations Act

MR. WISHART

TORONTO

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#### EXPLANATORY NOTES

SECTION 1. This is complementary to Bill 131, *An Act to modify the Rule against Perpetuities*. Items 2 and 3 of subsection 1 of section 1 of the Act, as enacted by section 1 of the Bill, are new; they add two additional periods for which accumulations may be validly directed, namely, twenty-one years from the date of an *inter vivos* settlement and the minority or respective minorities of persons living at the date of a settlement *inter vivos*. The changes in the other clauses bring the language more closely into line with existing English legislation.

## An Act to amend The Accumulations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Accumulations Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 4, s. 1,  
subs. 1,  
re-enacted

(1) No disposition of any real or personal property shall direct the income thereof to be wholly or partially accumulated for any longer than one of the following terms:

Maximum  
accumulation  
periods

1. The life of the grantor.
2. Twenty-one years from the date of making an *inter vivos* disposition.
3. The duration of the minority or respective minorities of any person or persons living or *en ventre sa mere* at the date of making an *inter vivos* disposition.
4. Twenty-one years from the death of the grantor, settlor or testator.
5. The duration of the minority or respective minorities of any person or persons living or *en ventre sa mere* at the death of the grantor, settlor or testator.
6. The duration of the minority or respective minorities of any person or persons who, under the instrument directing the accumulations, would, for the time being, if of full age, be entitled to the income directed to be accumulated.

Application  
of subs. 1  
restrictions

- (1a) The restrictions imposed by subsection 1 apply in relation to a power to accumulate income whether or not there is a duty to exercise that power, and such restrictions also apply whether or not the power to accumulate extends to income produced by the investment of income previously accumulated.

Idem

- (1b) The restrictions imposed by subsection 1 apply to every disposition of real or personal property, whether heretofore or hereafter made.

Previous  
acts, etc.,  
not affected

- (2) Nothing in subsection 1 affects,

(a) the validity of any act done; or

(b) any right acquired or obligation incurred,

R.S.O. 1960, under *The Accumulations Act* before this Act came into force.  
c. 4

R.S.O. 1960, **2.** *The Accumulations Act* is amended by adding thereto  
c. 4, amended the following section:

Rules as  
to accumu-  
lations not  
applicable  
to employee  
benefit  
trusts

3. The rules of law and statutory enactments relating to accumulations do not apply and shall be deemed never to have applied to the trusts of a plan, trust or fund established for the purpose of providing pensions, retirement allowances, annuities, or sickness, death or other benefits to employees or to their widows, dependants or other beneficiaries.

Short title

**3.** This Act may be cited as *The Accumulations Amendment Act, 1966*.

SECTION 2. This provision is now section 64 of *The Conveyancing and Law of Property Act*. It is being transferred to a more appropriate place. See Bill 134, *An Act to amend The Conveyancing and Law of Property Act*.







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*1st Reading*

May 26th, 1966

*2nd Reading*

*3rd Reading*

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MR. WISHART

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# **BILL 132**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Accumulations Act**

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**MR. WISHART**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**





## An Act to amend The Accumulations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Accumulations Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 4, s. 1,  
subs. 1,  
re-enacted

(1) No disposition of any real or personal property shall direct the income thereof to be wholly or partially accumulated for any longer than one of the following terms:

Maximum  
accumula-  
tion  
periods

1. The life of the grantor.
2. Twenty-one years from the date of making an *inter vivos* disposition.
3. The duration of the minority or respective minorities of any person or persons living or *en ventre sa mere* at the date of making an *inter vivos* disposition.
4. Twenty-one years from the death of the grantor, settlor or testator.
5. The duration of the minority or respective minorities of any person or persons living or *en ventre sa mere* at the death of the grantor, settlor or testator.
6. The duration of the minority or respective minorities of any person or persons who, under the instrument directing the accumulations, would, for the time being, if of full age, be entitled to the income directed to be accumulated.

Application  
of subs. 1  
restrictions

- (1a) The restrictions imposed by subsection 1 apply in relation to a power to accumulate income whether or not there is a duty to exercise that power, and such restrictions also apply whether or not the power to accumulate extends to income produced by the investment of income previously accumulated.

Idem

- (1b) The restrictions imposed by subsection 1 apply to every disposition of real or personal property, whether heretofore or hereafter made.

Previous  
acts, etc.,  
not affected

- (2) Nothing in subsection 1 affects,

(a) the validity of any act done; or

(b) any right acquired or obligation incurred,

R.S.O. 1960, under *The Accumulations Act* before this Act came into force.  
c. 4

R.S.O. 1960, **2.** *The Accumulations Act* is amended by adding thereto  
c. 4, amended the following section:

Rules as  
to accumu-  
lations not  
applicable  
to employee  
benefit  
trusts

3. The rules of law and statutory enactments relating to accumulations do not apply and shall be deemed never to have applied to the trusts of a plan, trust or fund established for the purpose of providing pensions, retirement allowances, annuities, or sickness, death or other benefits to employees or to their widows, dependants or other beneficiaries.

Short title

**3.** This Act may be cited as *The Accumulations Amendment Act, 1966*.









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*1st Reading*

May 26th, 1966

*2nd Reading*

June 8th, 1966

*3rd Reading*

June 23rd, 1966

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MR. WISHART

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# **BILL 133**

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## **An Act to amend The Trustee Act**

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MR. WISHART

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#### EXPLANATORY NOTE

This Bill is complementary to Bill 131, *An Act to modify the Rule against Perpetuities*.

The latter Bill makes the issue of the possibility of having children a question of actual fact, assisted by a number of presumptions founded on medical science.

This Bill extends these principles to the trustee field. They will apply whenever any question of the possibility or impossibility of a person having children in the future may arise for decision.

BILL 133

1966

## An Act to amend The Trustee Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Trustee Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 408,  
amended

64a. Where in the administration of any trust, estate or fund any question relating to the disposition, transmission or devolution of any property arises, including the right of any person to terminate a trust or an accumulation directed under a trust or other disposition, and it becomes relevant to inquire whether any person is or at a relevant date was or will be capable of procreating or giving birth to a child, section 7 of *The Perpetuities Act, 1966* applies to any such question as it applies to questions concerning the rule against perpetuities. Application  
of 1966,  
c. ... , s. 7

2. This Act may be cited as *The Trustee Amendment Act, 1966*. Short title

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*1st Reading*

May 26th, 1966

*2nd Reading*

*3rd Reading*

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MR. WISHART

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# **BILL 133**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Trustee Act**

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**MR. WISHART**

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**TORONTO**

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# THE CONSTITUTION OF THE UNITED STATES

BILL 133

1966

## An Act to amend The Trustee Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Trustee Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 408,  
amended

64a. Where in the administration of any trust, estate or fund any question relating to the disposition, transmission or devolution of any property arises, including the right of any person to terminate a trust or an accumulation directed under a trust or other disposition, and it becomes relevant to inquire whether any person is or at a relevant date was or will be capable of procreating or giving birth to a child, section 7 of *The Perpetuities Act, 1966* applies to any such question as it applies to questions concerning the rule against perpetuities. Application  
of 1966,  
c. ...., s. 7

2. This Act may be cited as *The Trustee Amendment Act, 1966*. Short title

An Act to amend The Trustee Act

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*1st Reading*

May 26th, 1966

*2nd Reading*

June 8th, 1966

*3rd Reading*

June 23rd, 1966

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MR. WISHART

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# **BILL 134**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Conveyancing and Law of Property Act**

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**MR. WISHART**

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#### EXPLANATORY NOTE

The section repealed, which deals with accumulations and perpetuities, is being divided and transferred to more appropriate places. See section 18 of Bill 131, *An Act to modify the Rule against Perpetuities*, and section 2 of Bill 132, *An Act to amend The Accumulations Act*.

BILL 134

1966

**An Act to amend  
The Conveyancing and Law of Property Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 64 of *The Conveyancing and Law of Property Act* R.S.O. 1960,  
c. 66, s. 64,  
repealed is repealed.

**2.** This Act may be cited as *The Conveyancing and Law of Property Amendment Act, 1966.* Short title

An Act to amend The Conveyancing  
and Law of Property Act

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*1st Reading*

May 26th, 1966

*2nd Reading*

*3rd Reading*

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MR. WISHART

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# **BILL 134**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Conveyancing and Law of Property Act**

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**MR. WISHART**

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BILL 134

1966

**An Act to amend  
The Conveyancing and Law of Property Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 64 of *The Conveyancing and Law of Property Act* R.S.O. 1960,  
c. 66, s. 64,  
repealed is repealed.

**2.** This Act may be cited as *The Conveyancing and Law* Short title  
*of Property Amendment Act, 1966.*

An Act to amend The Conveyancing  
and Law of Property Act

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*1st Reading*

May 26th, 1966

*2nd Reading*

June 8th, 1966

*3rd Reading*

June 23rd, 1966

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MR. WISHART

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# BILL 135

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## An Act to amend The Parks Assistance Act

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MR. SIMONETT

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#### EXPLANATORY NOTE

The maximum total assistance for the acquisition and development of any one park is increased from \$50,000 or 50 per cent of the cost, whichever is the lesser, to \$100,000 or 50 per cent of the cost, whichever is the lesser, and a limit of \$25,000 or 50 per cent of the cost, whichever is the lesser, is applied to the acquisition of land.

BILL 135

1966

## An Act to amend The Parks Assistance Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 3 of *The Parks Assistance Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 285, s. 3,  
subs. 2,  
re-enacted

(2) The assistance granted under subsection 1 in respect of any one park shall not exceed \$100,000 or 50 per cent of the total cost of acquiring the land and developing the park or of converting a provincial or public park into an approved park, whichever is the lesser.

Limitation,  
total grant

(3) The assistance granted under clause *a* of subsection 1 for the acquisition of land shall not exceed \$25,000 or 50 per cent of the total cost of acquiring the land, whichever is the lesser.

Limitation,  
acquisition  
of land

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** This Act may be cited as *The Parks Assistance Amendment Act, 1966*.

Short title



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*1st Reading*

May 27th, 1966

*2nd Reading*

*3rd Reading*

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MR. SIMONETT

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# **BILL 135**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Parks Assistance Act**

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**MR. SIMONETT**

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THE UNIVERSITY OF CHICAGO

BILL 135

1966

## An Act to amend The Parks Assistance Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Parks Assistance Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 285, s. 3, subs. 2, re-enacted
- (2) The assistance granted under subsection 1 in respect of any one park shall not exceed \$100,000 or 50 per cent of the total cost of acquiring the land and developing the park or of converting a provincial or public park into an approved park, whichever is the lesser. Limitation, total grant
- (3) The assistance granted under clause *a* of subsection 1 for the acquisition of land shall not exceed \$25,000 or 50 per cent of the total cost of acquiring the land, whichever is the lesser. Limitation, acquisition of land
2. This Act comes into force on the day it receives Royal Assent. Commence-ment
3. This Act may be cited as *The Parks Assistance Amendment Act, 1966*. Short title

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*1st Reading*

May 27th, 1966

*2nd Reading*

June 1st, 1966

*3rd Reading*

June 15th, 1966

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MR. SIMONETT

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# **BILL 136**

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## **An Act to amend The Housing Development Act**

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MR. RANDALL

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TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTE

The amendments authorize the constituting of corporations with powers to carry out housing projects other than pursuant to federal-provincial partnership agreements under subsection 1 of section 6 of the Act.

BILL 136

1966

## An Act to amend The Housing Development Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.**—(1) Subsection 2 of section 6 of *The Housing Development Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 182, s. 6, subs. 2, re-enacted
- (2) The Lieutenant Governor in Council may constitute corporations with such powers and duties as are deemed expedient to carry out any of the terms of any agreement made under subsection 1 or to carry out any housing project, including power to plan, construct and manage any housing project undertaken under any such agreement or otherwise, and including power to acquire and dispose of land in its own name. Corporations to carry out housing projects
- (2) The said section 6 is amended by adding thereto the following subsection: R.S.O. 1960, c. 182, s. 6, amended
- (3a) Any moneys required by the Crown in right of Ontario for the purposes of any corporation constituted under subsection 2 for purposes other than to carry out the terms of an agreement made under subsection 1 shall be paid, before the 31st day of March, 1967, out of the Consolidated Revenue Fund, and thereafter out of the moneys appropriated therefor by the Legislature. Moneys required by corporations for purposes other than carrying out agreements
- 2.** This Act comes into force on the day it receives Royal Assent. Commence-ment
- 3.** This Act may be cited as *The Housing Development Amendment Act, 1966*. Short title

An Act to amend  
The Housing Development Act

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*1st Reading*

May 27th, 1966

*2nd Reading*

*3rd Reading*

---

MR. RANDALL

---

# **BILL 136**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Housing Development Act**

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**MR. RANDALL**

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**TORONTO**

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THE

THE

BILL 136

1966

## An Act to amend The Housing Development Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 6 of *The Housing Development Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 182, s. 6,  
subs. 2,  
re-enacted

(2) The Lieutenant Governor in Council may constitute corporations with such powers and duties as are deemed expedient to carry out any of the terms of any agreement made under subsection 1 or to carry out any housing project, including power to plan, construct and manage any housing project undertaken under any such agreement or otherwise, and including power to acquire and dispose of land in its own name. Corporations  
to carry out  
housing  
projects

(2) The said section 6 is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 182, s. 6,  
amended

(3a) Any moneys required by the Crown in right of Ontario for the purposes of any corporation constituted under subsection 2 for purposes other than to carry out the terms of an agreement made under subsection 1 shall be paid, before the 31st day of March, 1967, out of the Consolidated Revenue Fund, and thereafter out of the moneys appropriated therefor by the Legislature. Moneys  
required by  
corporations  
for purposes  
other than  
carrying out  
agreements

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Housing Development Amendment Act, 1966*. Short title

An Act to amend  
The Housing Development Act

---

*1st Reading*

May 27th, 1966

*2nd Reading*

June 8th, 1966

*3rd Reading*

June 15th, 1966

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MR. RANDALL

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# **BILL 137**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to promote Ambulance Services and improve their Standards**

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**MR. DYMOND**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

#### EXPLANATORY NOTE

The Bill provides for minimum standards for equipment, facilities and personnel in ambulance services, and their supervision by means of licensing. The municipal authority to provide ambulance services is transferred from *The Municipal Act*, and provision is made for the distribution of provincial subsidies for ambulance services to municipalities, local boards of health, public hospitals and other non-profit organizations.



# **BILL 137** *Act to promote ambulance services and improve their standards* **1966**

## **An Act to promote Ambulance Services and improve their Standards**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act, *Interpretation*

- (a) "ambulance service" means a service for the conveyance of persons requiring medical attention to a hospital or other place;
- (b) "Minister" means the Minister of Health;
- (c) "municipality" includes a metropolitan municipality but does not include a local municipality within a metropolitan municipality;
- (d) "operator" means a person or a partnership or association of persons that has the control and management of an ambulance service, and "operate" has a corresponding meaning;
- (e) "regulations" means the regulations made under this Act.

**2.**—(1) Notwithstanding section 29 of *The Public Health Licence* Act and section 172b of *The Municipality of Metropolitan R.S.O. 1960, cc. 321, 260* *Toronto Act* and any by-law passed thereunder, no person shall operate an ambulance service unless he is licensed under this Act.

(2) The Minister may issue a licence where the proposed *Issuance* ambulance service complies with the regulations.

(3) The Minister may revoke a licence where the operator *Revocation* is convicted of an offence against the regulations in respect of the ambulance service.

## By-laws

**3.—**(1) The council of a municipality may pass by-laws,

- (a) for acquiring, maintaining and operating an ambulance service, and for fixing and charging fees therefor;
- (b) for entering into an agreement with any licensed ambulance operator or other municipality for a period of not less than two years and not more than five years to maintain and operate an ambulance service in the municipality, including the payment of an annual subsidy for such purpose, as may be agreed upon; and
- (c) for entering into an agreement with any person or other municipality for the use of an ambulance service by such person or in such other municipality.

## Exception

R.S.O. 1960,  
c. 321

(2) Subsection 1 does not apply to a municipality for which a local board of health provides an ambulance service under section 29 of *The Public Health Act*.

## Approval of agreements

(3) An agreement entered into under subsection 1 is subject to the approval of the Minister.

## Penalty

**4.** Any person who contravenes this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

## Agreements

**5.** The Minister, with the approval of the Lieutenant Governor in Council, may enter into agreements with operators for the provision of ambulance services in such parts of Ontario and subject to such terms and conditions as are agreed upon.

## Regulations

**6.—**(1) The Lieutenant Governor in Council may make regulations,

- (a) providing for the licensing of operators of ambulance services;
- (b) requiring the payment of fees for licences and prescribing the amount thereof;
- (c) governing minimum standards for ambulance services, or any class thereof, including the standard of service, equipment and other facilities used in ambulance services, and the qualifications that shall be held by persons employed in ambulance services;
- (d) providing for the apportionment and distribution to municipalities, local boards of health and public hospitals and to such non-profit organizations as are

designated of grants out of moneys appropriated therefor by the Legislature for the provision of ambulance services, and for the conditions governing the payment thereof;

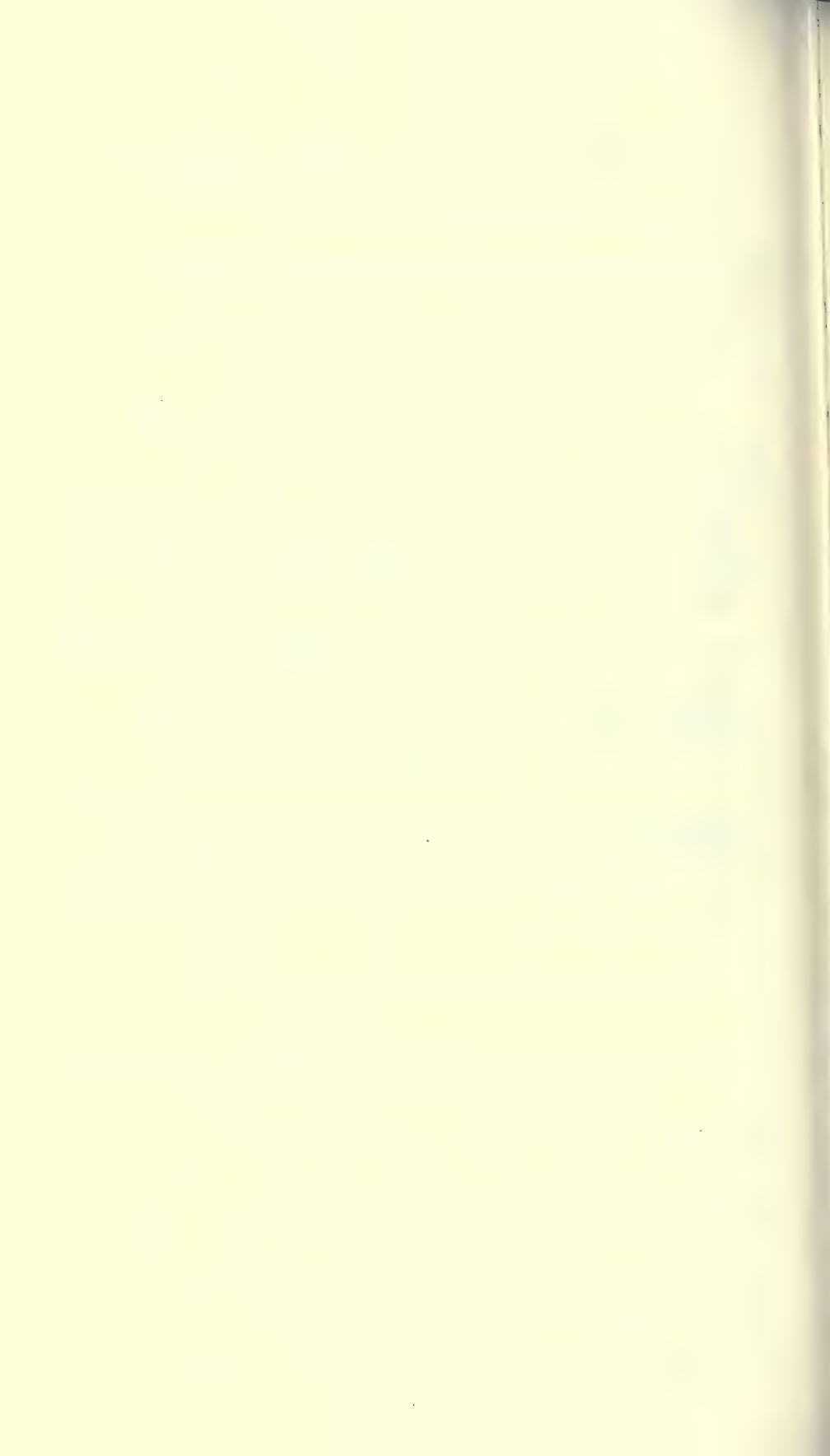
- (e) exempting any class of ambulance service or operators from the application of this Act or the regulations;
- (f) prescribing forms for the purposes of this Act and the regulations and providing for their use;
- (g) respecting any matter necessary or advisable to carry to carry out effectively the intent and purpose of this Act.

(2) A grant payable in accordance with a regulation made <sup>Maximum grants</sup> under clause *d* of subsection 1 shall not exceed 50 per cent of the amount expended for ambulance services by a municipality, local board of health, public hospital or non-profit organization, as the case may be.

**7.** The moneys required for the purposes of this Act, <sup>Moneys</sup> including moneys necessary for the grants referred to in clause *d* of subsection 1 of section 6, shall, until the 31st day of March, 1967, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

**8.** This Act comes into force on a day to be named by the <sup>Commence-</sup> Lieutenant Governor by his proclamation. <sub>ment</sub>

**9.** This Act may be cited as *The Ambulance Services Act*, <sup>Short title</sup> 1966.



THE UNIVERSITY OF CHICAGO  
LIBRARY

THE UNIVERSITY OF CHICAGO

LIBRARY

1881	1882	1883	1884	1885
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2096	2097	2098	2099	2100



An Act to promote Ambulance Services  
and improve their Standards

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*1st Reading*

May 31st, 1966

*2nd Reading*

*3rd Reading*

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MR. DYMOND

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# **BILL 137**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to promote Ambulance Services and improve their Standards**

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**MR. DYMOND**

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**BILL 137** **1966**

**An Act to promote Ambulance Services  
and improve their Standards**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act, **Interpre-  
tation**

- (a) "ambulance service" means a service for the conveyance of persons requiring medical attention to a hospital or other place;
- (b) "Minister" means the Minister of Health;
- (c) "municipality" includes a metropolitan municipality but does not include a local municipality within a metropolitan municipality;
- (d) "operator" means a person or a partnership or association of persons that has the control and management of an ambulance service, and "operate" has a corresponding meaning;
- (e) "regulations" means the regulations made under this Act.

**2.—(1)** Notwithstanding section 29 of *The Public Health Act* and section 172b of *The Municipality of Metropolitan Toronto Act* and any by-law passed thereunder, no person shall operate an ambulance service unless he is licensed under this Act. **Licence**  
R.S.O. 1960,  
cc. 321, 260

(2) The Minister may issue a licence where the proposed ambulance service complies with the regulations. **Issuance**

(3) The Minister may revoke a licence where the operator is convicted of an offence against the regulations in respect of the ambulance service. **Revocation**

## By-laws

**3.**—(1) The council of a municipality may pass by-laws,

- (a) for acquiring, maintaining and operating an ambulance service, and for fixing and charging fees therefor;
- (b) for entering into an agreement with any licensed ambulance operator or other municipality for a period of not less than two years and not more than five years to maintain and operate an ambulance service in the municipality, including the payment of an annual subsidy for such purpose, as may be agreed upon; and
- (c) for entering into an agreement with any person or other municipality for the use of an ambulance service by such person or in such other municipality.

## Exception

(2) Subsection 1 does not apply to a municipality for which a local board of health provides an ambulance service under section 29 of *The Public Health Act*.

R.S.O. 1960,  
c. 321

Approval of  
agreements

(3) An agreement entered into under subsection 1 is subject to the approval of the Minister.

## Penalty

**4.** Any person who contravenes this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

## Agreements

**5.** The Minister, with the approval of the Lieutenant Governor in Council, may enter into agreements with operators for the provision of ambulance services in such parts of Ontario and subject to such terms and conditions as are agreed upon.

## Regulations

**6.**—(1) The Lieutenant Governor in Council may make regulations,

- (a) providing for the licensing of operators of ambulance services;
- (b) requiring the payment of fees for licences and prescribing the amount thereof;
- (c) governing minimum standards for ambulance services, or any class thereof, including the standard of service, equipment and other facilities used in ambulance services, and the qualifications that shall be held by persons employed in ambulance services;
- (d) providing for the apportionment and distribution to municipalities, local boards of health and public hospitals and to such non-profit organizations as are



designated of grants out of moneys appropriated therefor by the Legislature for the provision of ambulance services, and for the conditions governing the payment thereof;

- (e) exempting any class of ambulance service or operators from the application of this Act or the regulations;
- (f) prescribing forms for the purposes of this Act and the regulations and providing for their use;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) A grant payable in accordance with a regulation made under clause *d* of subsection 1 shall not exceed 50 per cent of the amount expended for ambulance services by a municipality, local board of health, public hospital or non-profit organization, as the case may be. <sup>Maximum grants</sup>

7. The moneys required for the purposes of this Act, including moneys necessary for the grants referred to in clause *d* of subsection 1 of section 6, shall, until the 31st day of March, 1967, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. <sup>Moneys</sup>

8. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commencement</sup>

9. This Act may be cited as *The Ambulance Services Act*, 1966. <sup>Short title</sup>





An Act to promote Ambulance Services  
and improve their Standards

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*1st Reading*

May 31st, 1966

*2nd Reading*

June 8th, 1966

*3rd Reading*

June 23rd, 1966

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MR. DYMOND

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# **BILL 138**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

---

## **An Act to amend The Cemeteries Act**

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**MR. DYMOND**

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**TORONTO**

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#### EXPLANATORY NOTES

SECTION 1. The new subsection 2a will permit a corporation that owns five or more cemeteries, wherever located, to pass its accounts respecting perpetual care funds before the surrogate court judge of the County of York instead of before the judge of each county in which it owns a cemetery.

SECTION 2. Self-explanatory.

SECTION 3. Section 73 of *The Cemeteries Act* provides that, where there is no person upon whom the duty rests of taking care of a cemetery, the plot owners may elect trustees to perform this function.

The new subsection 11 extends the application of section 73 to mausoleums.

BILL 138

1966

## An Act to amend The Cemeteries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 29 of *The Cemeteries Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 47, s. 29,  
amended

(2a) Notwithstanding subsection 2, where the owner of a Exception  
cemetery is a corporation that owns five or more  
cemeteries located in more than one county, the  
owner may submit his accounts to be passed,  
examined and audited by the judge of the surrogate  
court of the County of York.

2. *The Cemeteries Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 47,  
amended

49a. The Lieutenant Governor in Council may make regu- Extension  
of perpetual  
care and  
pre-care  
provisions  
lations providing that the provisions of this Act  
respecting perpetual care funds and pre-need assur-  
ance funds and the regulations with respect thereto  
apply to persons who do not own a cemetery but who  
sell or offer for sale cemetery lots or cemetery sup-  
plies and services.

3. Section 73 of *The Cemeteries Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 47, s. 73,  
amended

(11) This section applies *mutatis mutandis* to a mausoleum Mausoleum  
that has been established and used and where there  
is no person upon whom the duty of taking care of and  
maintaining the mausoleum rests.

4. This Act comes into force on the day it receives Royal Commence-  
ment  
Assent.

5. This Act may be cited as *The Cemeteries Amendment Act, 1966*. Short title.

An Act to amend The Cemeteries Act

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*1st Reading*

May 31st, 1966

*2nd Reading*

*3rd Reading*

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MR. DYMOND

---

# **BILL 138**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Cemeteries Act**

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**MR. DYMOND**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**





BILL 138

1966

## An Act to amend The Cemeteries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 29 of *The Cemeteries Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 47, s. 29,  
amended

(2a) Notwithstanding subsection 2, where the owner of a cemetery is a corporation that owns five or more cemeteries located in more than one county, the owner may submit his accounts to be passed, examined and audited by the judge of the surrogate court of the County of York. Exception

2. *The Cemeteries Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 47,  
amended

49a. The Lieutenant Governor in Council may make regulations providing that the provisions of this Act respecting perpetual care funds and pre-need assurance funds and the regulations with respect thereto apply to persons who do not own a cemetery but who sell or offer for sale cemetery lots or cemetery supplies and services. Extension  
of perpetual  
care and  
pre-care  
provisions

3. Section 73 of *The Cemeteries Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 47, s. 73,  
amended

(11) This section applies *mutatis mutandis* to a mausoleum that has been established and used and where there is no person upon whom the duty of taking care of and maintaining the mausoleum rests. Mausoleum

4. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

5. This Act may be cited as *The Cemeteries Amendment Act, 1966*. Short title

---

*1st Reading*

May 31st, 1966

*2nd Reading*

June 8th, 1966

*3rd Reading*

June 15th, 1966

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MR. DYMOND

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# **BILL 139**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Air Pollution Control Act**

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**MR. DYMOND**

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#### EXPLANATORY NOTE

The amendment in this Bill seeks to increase the penalties prescribed by section 9 of the Act and to differentiate penalties between persons and corporations.

BILL 139

1966

## An Act to amend The Air Pollution Control Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 9 of *The Air Pollution Control Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 12, s. 9, subs. 1, re-enacted

- (1) Every person who contravenes or fails to comply with any provision of this Act or any regulation made under this Act or any order made by a provincial officer is guilty of an offence and on summary conviction is liable, if an individual, to a fine of not less than \$100 and not more than \$2,000 and, if a corporation, on first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000. Offences

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Air Pollution Control Amendment Act, 1966*. Short title



Bill to amend  
The Air Pollution Control Act

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*1st Reading*

May 31st, 1966

*2nd Reading*

*3rd Reading*

---

MR. DYMOND

---

# **BILL 139**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

---

## **An Act to amend The Air Pollution Control Act**

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**MR. DYMOND**

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**TORONTO**

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1871

BILL 139

1966

## An Act to amend The Air Pollution Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 9 of *The Air Pollution Control Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 12, s. 9,  
subs. 1,  
re-enacted

- (1) Every person who contravenes or fails to comply with any provision of this Act or any regulation made under this Act or any order made by a provincial officer is guilty of an offence and on summary conviction is liable, if an individual, to a fine of not less than \$100 and not more than \$2,000 and, if a corporation, on first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000. Offences

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Air Pollution Control Amendment Act, 1966*. Short title

An Act to amend  
The Air Pollution Control Act

---

*1st Reading*

May 31st, 1966

*2nd Reading*

June 8th, 1966

*3rd Reading*

June 15th, 1966

---

MR. DYMOND

---



# **BILL 140**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Ontario Mental Health Foundation Act, 1960-61**

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**MR. DYMOND**

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#### EXPLANATORY NOTE

The purpose of this Bill is to make section 23 of *The Psychiatric Hospitals Act*, which contains the provisions respecting forensic clinics, applicable to the Clarke Institute.

See also Bill 141, *An Act to amend The Psychiatric Hospitals Act*.

BILL 140

1966

**An Act to amend The Ontario  
Mental Health Foundation Act, 1960-61**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *c* of subsection 2 of section 12*n* of *The Ontario Mental Health Foundation Act, 1960-61*, as re-enacted by section 1 of *The Ontario Mental Health Foundation Amendment Act, 1965*, is amended by striking out "and 19" in the first line and inserting in lieu thereof "19 and 23", so that the clause shall read as follows:

(*c*) sections 9, 16, 19 and 23 of *The Psychiatric Hospitals Act*. 1960-61,  
c. 67, s. 12*n*  
(1965,  
c. 88, s. 1),  
subs. 2, cl. *c*,  
amended  
R.S.O. 1960,  
c. 315

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Ontario Mental Health Foundation Amendment Act, 1966*. Short title

AN ACT to amend The Ontario  
Mental Health Foundation Act, 1960-61

---

*1st Reading*

May 31st, 1966

*2nd Reading*

*3rd Reading*

---

MR. DYMOND

---

# **BILL 140**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

---

## **An Act to amend The Ontario Mental Health Foundation Act, 1960-61**

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**MR. DYMOND**

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BILL 140

1966

## An Act to amend The Ontario Mental Health Foundation Act, 1960-61

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *c* of subsection 2 of section 12*n* of *The Ontario Mental Health Foundation Act, 1960-61*, as re-enacted by section 1 of *The Ontario Mental Health Foundation Amendment Act, 1965*, is amended by striking out "and 19" in the first line and inserting in lieu thereof "19 and 23", so that the clause shall read as follows:

(c) sections 9, 16, 19 and 23 of *The Psychiatric Hospitals Act*. 1960-61,  
c. 67, s. 12*n*  
(1965,  
c. 88, s. 1),  
subs. 2, cl. *c*,  
amended

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Ontario Mental Health Foundation Amendment Act, 1966*. Short title

An Act to amend The Ontario  
Mental Health Foundation Act, 1960-61

---

*1st Reading*

May 31st, 1966

*2nd Reading*

June 8th, 1966

*3rd Reading*

June 15th, 1966

---

MR. DYMOND

---

# **BILL 141**

4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

## **An Act to amend The Psychiatric Hospitals Act**

MR. DYMOND

EXPLANATORY NOTES

SECTION 1. The restrictive residence requirement is deleted.

SECTION 2. The purpose of this Bill is to update and extend the scope of the provisions of the Act respecting forensic clinics.



**BILL 141** THE PSYCHIATRIC HOSPITALS ACT, 1966 **1966**

## An Act to amend The Psychiatric Hospitals Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 9 of *The Psychiatric Hospitals Act* R.S.O. 1960, c. 315, s. 9, subs. 1, amended is amended by striking out "and who, except in the cases provided for in clauses *b* and *e*, has been a resident of the municipality in which the psychiatric hospital is located for three months in all within the period of five months prior to the date of application for admission" in the second, third, fourth, fifth and sixth lines, so that the subsection, exclusive of the clauses, shall read as follows:

- (1) Any person who is, or who is believed to be, in need Admission to hospital of such treatment as is provided in a psychiatric hospital may be admitted thereto for such treatment,

. . . . .

2. Section 23 of *The Psychiatric Hospitals Act*, as enacted by R.S.O. 1960, c. 315, s. 23 section 3 of *The Psychiatric Hospitals Amendment Act, 1962-63*, (1962-63, c. 111, s. 3), re-enacted is repealed and the following substituted therefor:

- 23.—(1) The Minister may approve any service of any Forensic clinic, approval of psychiatric hospital as a forensic clinic, to be known by such name as he designates.
- (2) There shall be a director of each forensic clinic. Director
- (3) A judge or magistrate may order any person who is Court order for before him to attend a forensic clinic for mental and physical examination examination.
- (4) If the director of the forensic clinic reports that a Court order for person examined needs treatment, the judge or treatment magistrate may order the person to attend the forensic clinic for treatment.

Prerequisite  
of court  
order

- (5) A judge or magistrate shall not make an order under subsection 3 or 4 until he ascertains from the director of the forensic clinic that the services of the clinic are available for the person to be named in the order.

Director's  
report

- (6) The director of a forensic clinic may in his discretion report all or any part of the information compiled by the clinic to,

(a) the judge or magistrate who made the order under subsection 3 or 4;

(b) the person examined or treated; or

(c) any person who, in the opinion of the director, has a *bona fide* interest in the person examined or treated.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Psychiatric Hospitals Amendment Act, 1966*.









An Act to amend  
The Psychiatric Hospitals Act

---

*1st Reading*

May 31st, 1966

*2nd Reading*

*3rd Reading*

---

MR. DYMOND

---

# **BILL 141**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Psychiatric Hospitals Act**

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**MR. DYMOND**

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**TORONTO**

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BILL 141

1966

## An Act to amend The Psychiatric Hospitals Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 9 of *The Psychiatric Hospitals Act* is amended by striking out "and who, except in the cases provided for in clauses *b* and *e*, has been a resident of the municipality in which the psychiatric hospital is located for three months in all within the period of five months prior to the date of application for admission" in the second, third, fourth, fifth and sixth lines, so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1960,  
c. 315, s. 9,  
subs. 1,  
amended

- (1) Any person who is, or who is believed to be, in need of such treatment as is provided in a psychiatric hospital may be admitted thereto for such treatment,

Admission  
to hospital

. . . . .

2. Section 23 of *The Psychiatric Hospitals Act*, as enacted by section 3 of *The Psychiatric Hospitals Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 315, s. 23  
(1962-63,  
c. 111, s. 3),  
re-enacted

- 23.—(1) The Minister may approve any service of any psychiatric hospital as a forensic clinic, to be known by such name as he designates.
- (2) There shall be a director of each forensic clinic.
- (3) A judge or magistrate may order any person who is before him to attend a forensic clinic for mental and physical examination.
- (4) If the director of the forensic clinic reports that a person examined needs treatment, the judge or magistrate may order the person to attend the forensic clinic for treatment.

Forensic  
clinic,  
approval of

Director

Court order  
for  
examination

Court order  
for  
treatment

Prerequisite  
of court  
order

- (5) A judge or magistrate shall not make an order under subsection 3 or 4 until he ascertains from the director of the forensic clinic that the services of the clinic are available for the person to be named in the order.

Director's  
report

- (6) The director of a forensic clinic may in his discretion report all or any part of the information compiled by the clinic to,
- (a) the judge or magistrate who made the order under subsection 3 or 4;
  - (b) the person examined or treated; or
  - (c) any person who, in the opinion of the director, has a *bona fide* interest in the person examined or treated.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Psychiatric Hospitals Amendment Act, 1966*.









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*1st Reading*

May 31st, 1966

*2nd Reading*

June 8th, 1966

*3rd Reading*

June 15th, 1966

---

MR. DYMOND

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# **BILL 142**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

---

**An Act to amend The Expropriation Procedures Act, 1962-63**

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**MR. WISHART**

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## EXPLANATORY NOTES

### SECTION 1. Self-explanatory.



BILL 142

1966

**An Act to amend  
The Expropriation Procedures Act, 1962-63**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Expropriation Procedures Act, 1962-63* is amended 1962-63,  
by adding thereto the following section: c. 43,  
amended

- 1a.—(1) Notwithstanding any general or special Act, no conservation authority, hospital or university shall appropriate land without the prior authority of a judge. Authority to expropriate
- (2) Where a conservation authority, hospital or university intends to expropriate land, it shall apply to a judge for an order authorizing it so to do. Application
- (3) The judge shall, in writing, appoint a day, time and place for the hearing of the application and in his appointment may direct that it shall be served upon such persons, in addition to the registered owner of the land intended to be expropriated, as he prescribes. Appointment for hearing
- (4) The appointment shall be served at least one month before the day appointed for the hearing of the application. Service of appointment
- (5) Where the judge is satisfied that the expropriation of the land in whole or in part is reasonably necessary for the purpose of the applicant, he may make an order authorizing the expropriation of the land in whole or in part. Authorization order
- (6) The expropriating authority or an owner may appeal to the Court of Appeal from an order of a judge under subsection 5 within thirty days from the date of the order, and the practice and procedure as to Appeal

the appeal and proceedings incidental thereto shall be the same *mutatis mutandis* as upon an appeal from the High Court.

Registration  
of plan

- (7) Where an order is made under subsection 5, the applicant shall register the plan under section 4, with a copy of the order affixed thereto, within six months of the date of the order or the final disposition of any appeal, as the case may be, and, if the plan is not so registered, the order is void.

Exception  
to s. 12

- (8) Where land is expropriated by a conservation authority, hospital or university, the compensation for the expropriation shall be determined as of the day appointed under subsection 3 for the hearing.

1962-63,  
c. 43, s. 12,  
amended

**2.** Section 12 of *The Expropriation Procedures Act, 1962-63* is amended by inserting after "to" in the first line "subsection 6 of section 1a and", so that the section shall read as follows:

Date for  
determining  
compensa-  
tion

12. Subject to subsection 6 of section 1a and subsection 2 of section 5, where land has been expropriated, the compensation therefor shall be determined as of the date of registration of the plan under subsection 1 or 5 of section 4.

Commence-  
ment

**3.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**4.** This Act may be cited as *The Expropriation Procedures Amendment Act, 1966*.

**SECTION 2. Complementary to section 1.**





An Act to amend  
The Expropriation Procedures Act, 1962-63

---

*1st Reading*

June 2nd, 1966

*2nd Reading*

*3rd Reading*

---

MR. WISHART

---



# **BILL 142**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

---

**An Act to amend The Expropriation Procedures Act, 1962-63**

---

**MR. WISHART**

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*(Reprinted as amended by the Committee on Legal Bills and Labour)*

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

## An Act to amend The Expropriation Procedures Act, 1962-63

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Expropriation Procedures Act, 1962-63* is amended <sup>1962-63, c. 43, amended</sup> by adding thereto the following section:

- 1a.—(1) Notwithstanding any general or special Act, no conservation authority, hospital or university shall expropriate land without the prior authority of a judge. <sup>Authority to expropriate</sup>
- (2) Where a conservation authority, hospital or university intends to expropriate land, it shall apply to a judge for an order authorizing it so to do. <sup>Application</sup>
- (3) The judge shall, in writing, appoint a day, time and place for the hearing of the application and in his appointment may direct that it shall be served upon such persons, in addition to the registered owner of the land intended to be expropriated, as he prescribes. <sup>Appointment for hearing</sup>
- (4) The appointment shall be served at least one month before the day appointed for the hearing of the application. <sup>Service of appointment</sup>
- (5) Where the judge is satisfied that the expropriation of the land in whole or in part is reasonably necessary for the purpose of the applicant, he may make an order authorizing the expropriation of the land in whole or in part. <sup>Authorization order</sup>
- (6) The expropriating authority or an owner may appeal to the Court of Appeal from an order of a judge under subsection 5 within thirty days from the date of the order, and the practice and procedure as to <sup>Appeal</sup>

the appeal and proceedings incidental thereto shall be the same *mutatis mutandis* as upon an appeal from the High Court.

Registration  
of plan

- (7) Where an order is made under subsection 5, the applicant shall register the plan under section 4, with a copy of the order affixed thereto, within six months of the date of the order or the final disposition of any appeal, as the case may be, and, if the plan is not so registered, the order is void.

Exception  
to s. 12

- (8) Where land is expropriated by a conservation authority, hospital or university, the compensation for the expropriation shall be determined as of the date of the application to the judge for an appointment under subsection 3 for the hearing.

1962-63,  
c. 43, s. 12,  
amended

**2.** Section 12 of *The Expropriation Procedures Act, 1962-63* is amended by inserting after "to" in the first line "subsection 6 of section 1a and", so that the section shall read as follows:

Date for  
determining  
compensa-  
tion

12. Subject to subsection 6 of section 1a and subsection 2 of section 5, where land has been expropriated, the compensation therefor shall be determined as of the date of registration of the plan under subsection 1 or 5 of section 4.

Commence-  
ment

**3.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**4.** This Act may be cited as *The Expropriation Procedures Amendment Act, 1966.*

**SECTION 2.** Complementary to section 1.







---

*1st Reading*

June 2nd, 1966

*2nd Reading*

June 8th, 1966

*3rd Reading*

---

MR. WISHART

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*(Reprinted as amended by the Committee  
on Legal Bills and Labour)*

# **BILL 142**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

---

## **An Act to amend The Expropriation Procedures Act, 1962-63**

---

**MR. WISHART**

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BILL 142

1966

## An Act to amend The Expropriation Procedures Act, 1962-63

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Expropriation Procedures Act, 1962-63* is amended 1962-63,  
by adding thereto the following section: c. 43,  
amended

1a.—(1) Notwithstanding any general or special Act, no conservation authority, hospital or university shall appropriate land without the prior authority of a judge. Authority to expropriate

(2) Where a conservation authority, hospital or university intends to expropriate land, it shall apply to a judge for an order authorizing it so to do. Application

(3) The judge shall, in writing, appoint a day, time and place for the hearing of the application and in his appointment may direct that it shall be served upon such persons, in addition to the registered owner of the land intended to be expropriated, as he prescribes. Appointment for hearing

(4) The appointment shall be served at least one month before the day appointed for the hearing of the application. Service of appointment

(5) Where the judge is satisfied that the expropriation of the land in whole or in part is reasonably necessary for the purpose of the applicant, he may make an order authorizing the expropriation of the land in whole or in part. Authorization order

(6) The expropriating authority or an owner may appeal to the Court of Appeal from an order of a judge under subsection 5 within thirty days from the date of the order, and the practice and procedure as to Appeal

the appeal and proceedings incidental thereto shall be the same *mutatis mutandis* as upon an appeal from the High Court.

Registration  
of plan

- (7) Where an order is made under subsection 5, the applicant shall register the plan under section 4, with a copy of the order affixed thereto, within six months of the date of the order or the final disposition of any appeal, as the case may be, and, if the plan is not so registered, the order is void.

Exception  
to s. 12

- (8) Where land is expropriated by a conservation authority, hospital or university, the compensation for the expropriation shall be determined as of the date of the application to the judge for an appointment under subsection 3 for the hearing.

1962-63,  
c. 43, s. 12,  
amended

**2.** Section 12 of *The Expropriation Procedures Act, 1962-63* is amended by inserting after "to" in the first line "subsection 6 of section 1a and", so that the section shall read as follows:

Date for  
determining  
compensation

12. Subject to subsection 6 of section 1a and subsection 2 of section 5, where land has been expropriated, the compensation therefor shall be determined as of the date of registration of the plan under subsection 1 or 5 of section 4.

Commence-  
ment

**3.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**4.** This Act may be cited as *The Expropriation Procedures Amendment Act, 1966*.









The Expropriation Procedures Act, 1962-63

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*1st Reading*

June 2nd, 1966

*2nd Reading*

June 8th, 1966

*3rd Reading*

June 28th, 1966

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MR. WISHART

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# **BILL 143**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

---

## **An Act to amend The Farm Products Marketing Act**

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**MR. STEWART**

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#### EXPLANATORY NOTES

SECTION 1—Subsection 1. The regulation of quotas is amended to include cancellation of quotas.

Subsections 2 and 3. The term “regulating and controlling” is changed to “control and regulation” for uniformity of expression within the Act as well as with *The Milk Act, 1965*.

Subsection 4. The purpose of the amendment is to allow local boards to be authorized to engage directly in buying and selling the regulated product.



BILL 143 1966

## An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subparagraph iv of paragraph 11a of subsection 1 of section 8 of *The Farm Products Marketing Act*, as enacted by subsection 4 of section 6 of *The Farm Products Marketing Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
par. 11a  
(1962-63,  
c. 45, s. 6,  
subs. 4),  
subpar. iv,  
re-enacted

- (iv) the cancelling or reducing of, or the refusing to increase, a quota fixed and allotted to any person for the marketing of a regulated product for any reason that the Board deems proper.

(2) Paragraph 12 of subsection 1 of the said section 8 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
par. 12,  
re-enacted

12. providing for the control and regulation of the marketing of any regulated product, including the times and places at which the regulated product may be marketed.

(3) Paragraph 12a of subsection 1 of the said section 8, as enacted by section 2 of *The Farm Products Marketing Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
par. 12a  
(1961-62,  
c. 41, s. 2),  
re-enacted

- 12a. providing for the control and regulation of agreements entered into by producers of a regulated product with persons engaged in marketing or processing the regulated product, and the prohibition of any provision or clause in such agreements.

(4) Paragraphs 28a and 28b of subsection 1 of the said section 8, as enacted by subsection 12 of section 6 of *The Farm Products Marketing Amendment Act, 1962-63*, are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
pars. 28a,  
28b  
(1962-63,  
c. 45, s. 6,  
subs. 12),  
re-enacted

- 28a. requiring any person who produces a regulated product to offer to sell and to sell the regulated product to or through the local board constituted to administer the plan under which the regulated product is regulated;
- 28b. prohibiting any person from processing, packing or packaging any of the regulated product that has not been sold to, by or through the local board constituted to administer the plan established for the control and regulation of the marketing of the regulated product;
- 28c. authorizing any local board to appoint agents, to prescribe their duties and terms and conditions of employment and to provide for their remuneration;
- 28d. providing for the making of agreements relating to the marketing of any regulated product by or through a local board, and prescribing the forms and the terms and conditions of such agreements.

R.S.O. 1960,  
c. 137, s. 18  
(1962-63,  
c. 45, s. 11),  
subs. 1,  
cl. b,  
amended

**2.—**(1) Clause *b* of subsection 1 of section 18 of *The Farm Products Marketing Act*, as enacted by section 11 of *The Farm Products Marketing Amendment Act, 1962-63*, is amended by striking out “and” where it occurs the first time in the second line and inserting in lieu thereof “or”, so that the clause shall read as follows:

- (b) “producing” means planting, growing, harvesting, curing or preparing for sale, and “produced” and “production” have corresponding meanings.

R.S.O. 1960,  
c. 137, s. 18  
(1962-63,  
c. 45, s. 11),  
subs. 2,  
cl. b,  
subcl. iv,  
re-enacted

(2) Subclause iv of clause *b* of subsection 2 of the said section 18 is repealed and the following substituted therefor:

- (iv) the cancelling or reducing of, or the refusing to increase, a tobacco acreage or other production quota fixed and allotted to any person for any reason that the Board deems proper.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Farm Products Marketing Amendment Act, 1966*.

SECTION 2—Subsection 1. The amendment clarifies the definition of “producing” with respect to tobacco.

Subsection 2. The regulation of quotas for tobacco is amended to include cancellation of quotas in the same manner as provided for other farm products in section 1 (1) of the Bill.





An Act to amend  
The Farm Products Marketing Act

---

*1st Reading*

June 2nd, 1966

*2nd Reading*

*3rd Reading*

---

MR. STEWART

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# BILL 143

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

---

## An Act to amend The Farm Products Marketing Act

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MR. STEWART

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TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



# **BILL 143** **1966**

## **An Act to amend The Farm Products Marketing Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subparagraph iv of paragraph 11a of subsection 1 of section 8 of *The Farm Products Marketing Act*, as enacted by subsection 4 of section 6 of *The Farm Products Marketing Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
par. 11a  
(1962-63,  
c. 45, s. 6,  
subs. 4),  
subpar. iv,  
re-enacted

- (iv) the cancelling or reducing of, or the refusing to increase, a quota fixed and allotted to any person for the marketing of a regulated product for any reason that the Board deems proper.

(2) Paragraph 12 of subsection 1 of the said section 8 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
par. 12,  
re-enacted

12. providing for the control and regulation of the marketing of any regulated product, including the times and places at which the regulated product may be marketed.

(3) Paragraph 12a of subsection 1 of the said section 8, as enacted by section 2 of *The Farm Products Marketing Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
par. 12a  
(1961-62,  
c. 41, s. 2),  
re-enacted

- 12a. providing for the control and regulation of agreements entered into by producers of a regulated product with persons engaged in marketing or processing the regulated product, and the prohibition of any provision or clause in such agreements.

(4) Paragraphs 28a and 28b of subsection 1 of the said section 8, as enacted by subsection 12 of section 6 of *The Farm Products Marketing Amendment Act, 1962-63*, are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
pars. 28a,  
28b  
(1962-63,  
c. 45, s. 6,  
subs. 12),  
re-enacted

- 28a. requiring any person who produces a regulated product to offer to sell and to sell the regulated product to or through the local board constituted to administer the plan under which the regulated product is regulated;
- 28b. prohibiting any person from processing, packing or packaging any of the regulated product that has not been sold to, by or through the local board constituted to administer the plan established for the control and regulation of the marketing of the regulated product;
- 28c. authorizing any local board to appoint agents, to prescribe their duties and terms and conditions of employment and to provide for their remuneration;
- 28d. providing for the making of agreements relating to the marketing of any regulated product by or through a local board, and prescribing the forms and the terms and conditions of such agreements.

R.S.O. 1960,  
c. 137, s. 18  
(1962-63,  
c. 45, s. 11),  
subs. 1,  
cl. b,  
amended

**2.**—(1) Clause *b* of subsection 1 of section 18 of *The Farm Products Marketing Act*, as enacted by section 11 of *The Farm Products Marketing Amendment Act, 1962-63*, is amended by striking out “and” where it occurs the first time in the second line and inserting in lieu thereof “or”, so that the clause shall read as follows:

- (b) “producing” means planting, growing, harvesting, curing or preparing for sale, and “produced” and “production” have corresponding meanings.

R.S.O. 1960,  
c. 137, s. 18  
(1962-63,  
c. 45, s. 11),  
subs. 2,  
cl. b,  
subcl. iv,  
re-enacted

(2) Subclause iv of clause *b* of subsection 2 of the said section 18 is repealed and the following substituted therefor:

- (iv) the cancelling or reducing of, or the refusing to increase, a tobacco acreage or other production quota fixed and allotted to any person for any reason that the Board deems proper.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Farm Products Marketing Amendment Act, 1966*.









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*1st Reading*

June 2nd, 1966

*2nd Reading*

June 8th, 1966

*3rd Reading*

June 29th, 1966

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MR. STEWART

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# **BILL 144**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Public Utilities Act**

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**MR. SPOONER**

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#### EXPLANATORY NOTE

The amendments permit the cutting off of a municipal water supply when sewer rates or sewage service rates, which are based on water charges, are in default.

BILL 144

1966

## An Act to amend The Public Utilities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 27 of *The Public Utilities Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 335, s. 27,  
subs. 4,  
re-enacted

(4) Where rates that are based on the water rates or charges charged or chargeable in respect of any land are imposed on the owners or occupants of such land in respect of the construction, operation or maintenance of sewage works or in respect of sewage service, the corporation may, in default of payment of the rates in respect of sewage works or sewage service, shut off the supply of water provided by the corporation to such land, but the rates in default are, nevertheless, recoverable.

Default of  
payment of  
sewer rate  
or sewage  
service rate

(5) In subsection 4, "sewage works" and "sewage service" mean sewage works and sewage service as defined in *The Ontario Water Resources Commission Act*.

Interpre-  
tation

R.S.O. 1960,  
c. 281

(6) The amount payable to a municipal corporation or to a public utility or hydro-electric commission of a municipality or to The Hydro-Electric Power Commission of Ontario is a debt and may be recovered by action in a court of competent jurisdiction.

Action to  
recover  
amount  
payable

2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

3. This Act may be cited as *The Public Utilities Amendment Act, 1966*.

Short title

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*1st Reading*

June 3rd, 1966

*2nd Reading*

*3rd Reading*

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MR. SPOONER

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# **BILL 144**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Public Utilities Act**

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**MR. SPOONER**

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BILL 144

1966

## An Act to amend The Public Utilities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 27 of *The Public Utilities Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 335, s. 27,  
subs. 4,  
re-enacted

(4) Where rates that are based on the water rates or charges charged or chargeable in respect of any land are imposed on the owners or occupants of such land in respect of the construction, operation or maintenance of sewage works or in respect of sewage service, the corporation may, in default of payment of the rates in respect of sewage works or sewage service, shut off the supply of water provided by the corporation to such land, but the rates in default are, nevertheless, recoverable. Default of  
payment of  
sewer rate  
or sewage  
service rate

(5) In subsection 4, "sewage works" and "sewage service" mean sewage works and sewage service as defined in *The Ontario Water Resources Commission Act*. Interpre-  
tation  
  
R.S.O. 1960,  
c. 281

(6) The amount payable to a municipal corporation or to a public utility or hydro-electric commission of a municipality or to The Hydro-Electric Power Commission of Ontario is a debt and may be recovered by action in a court of competent jurisdiction. Action to  
recover  
amount  
payable

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Public Utilities Amendment Act, 1966*. Short title

An Act to amend  
The Public Utilities Act

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*1st Reading*

June 3rd, 1966

*2nd Reading*

June 13th, 1966

*3rd Reading*

June 15th, 1966

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MR. SPOONER

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# **BILL 145**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act respecting the Village of Beachville**

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**MR. SPOONER**

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#### EXPLANATORY NOTE

The Bill authorizes the Village of Beachville to pass a by-law, without the approval of the Ontario Municipal Board, to provide for the issue of debentures for the purpose of paying the balance required for the construction and equipping of a three-room addition to the Beachville Public School.



BILL 145

1966

## An Act respecting the Village of Beachville

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of The Corporation of the Village of Beachville may pass a by-law, without obtaining the approval of the Ontario Municipal Board, providing for the issue of a debenture or debentures of the Corporation in a principal amount not exceeding \$100,000, payable in not more than twenty years, for the purpose of paying the balance required for the construction and equipping by The Public School Board of the Township School Area of the Township of West Oxford of an addition of three classrooms to the Beachville Public School. Debenture by-law authorized

2. Sections 55, 56, 57 and 58 of *The Ontario Municipal Board Act* apply in respect of a by-law passed under section 1 and the debenture or debentures to be issued thereunder. Application of R.S.O. 1960, c. 274

3. For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order under section 63 of *The Public Schools Act* and section 64 of *The Ontario Municipal Board Act* authorizing The Corporation of the Village of Beachville to proceed with the undertaking referred to in section 1 and authorizing The Corporation of the Village of Beachville to issue a debenture or debentures under section 1. By-law deemed approved by O.M.B. R.S.O. 1960, cc. 330, 274

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. This Act may be cited as *The Village of Beachville Act*, Short title 1966.

---

*1st Reading*

June 3rd, 1966

*2nd Reading*

*3rd Reading*

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MR. SPOONER

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# **BILL 145**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act respecting the Village of Beachville**

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**MR. SPOONER**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**



BILL 145

1966

## An Act respecting the Village of Beachville

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of The Corporation of the Village of Beachville may pass a by-law, without obtaining the approval of the Ontario Municipal Board, providing for the issue of a debenture or debentures of the Corporation in a principal amount not exceeding \$100,000, payable in not more than twenty years, for the purpose of paying the balance required for the construction and equipping by The Public School Board of the Township School Area of the Township of West Oxford of an addition of three classrooms to the Beachville Public School. Debenture  
by-law  
authorized

2. Sections 55, 56, 57 and 58 of *The Ontario Municipal Board Act* apply in respect of a by-law passed under section 1 and the debenture or debentures to be issued thereunder. Application  
of R.S.O.  
1960, c. 274

3. For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order under section 63 of *The Public Schools Act* and section 64 of *The Ontario Municipal Board Act* authorizing The Corporation of the Village of Beachville to proceed with the undertaking referred to in section 1 and authorizing The Corporation of the Village of Beachville to issue a debenture or debentures under section 1. By-law  
deemed  
approved  
by O.M.B.  
R.S.O. 1960,  
cc. 330, 274

4. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

5. This Act may be cited as *The Village of Beachville Act*, 1966. Short title

An Act respecting the  
Village of Beachville

---

*1st Reading*

June 3rd, 1966

*2nd Reading*

June 13th, 1966

*3rd Reading*

June 15th, 1966

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Mr. SPOONER

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# **BILL 146**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Racing Commission Act**

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**MR. OLIVER**

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BILL 146

1966

## An Act to amend The Racing Commission Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Racing Commission Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 342,  
amended

16. Every association incorporated under the laws of Ontario after this section comes into force that has for its object the holding of race meetings at which there are trotting or pacing races exclusively shall for the purposes of this Act and for all other purposes be deemed to have been incorporated by special Act of this Legislature. Certain  
racing  
associations  
deemed  
to be  
incorporated  
by special  
Act

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Racing Commission Amendment Act, 1966*. Short title

An Act to amend  
The Racing Commission Act

---

*1st Reading*

June 3rd, 1966

*2nd Reading*

*3rd Reading*

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MR. OLIVER

---

# **BILL 147**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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**An Act to amend The Charitable Institutions Act, 1962-63**

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**MR. CECILE**

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#### EXPLANATORY NOTE

The amendment increases the maintenance grants to charitable institutions, other than hostels and correctional institutions, from 75 per cent to 80 per cent of the costs, and increases the maintenance grants to correctional institutions from 50 per cent to 80 per cent of the costs.



BILL 147

1966

**An Act to amend  
The Charitable Institutions Act, 1962-63**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 7 of *The Charitable Institutions Act, 1962-63* is repealed and the following substituted therefor: 1962-63,  
c. 11, s. 7,  
re-enacted

7. Subject to section 8, where an approved corporation maintains and operates a charitable institution that is specified in the regulations as a charitable institution other than a hostel, there shall be paid to the corporation, out of the moneys that are appropriated therefor by the Legislature, an amount equal to 80 per cent of the net cost, computed in accordance with the regulations, that is paid by the corporation for the care and maintenance of each person resident in the charitable institution. Maintenance  
grants for  
institutions  
other than  
hostels

**2.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

**3.** This Act may be cited as *The Charitable Institutions Amendment Act, 1966* (No. 2). Short title

An Act to amend  
The Charitable Institutions Act, 1962-63

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*1st Reading*

June 6th, 1966

*2nd Reading*

*3rd Reading*

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MR. CECILE

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# **BILL 147**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

---

**An Act to amend The Charitable Institutions Act, 1962-63**

---

**MR. CECILE**

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BILL 147

1966

**An Act to amend  
The Charitable Institutions Act, 1962-63**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Charitable Institutions Act, 1962-63* 1962-63,  
c. 11, s. 7,  
re-enacted is repealed and the following substituted therefor:
  7. Subject to section 8, where an approved corporation maintains and operates a charitable institution that is specified in the regulations as a charitable institution other than a hostel, there shall be paid to the corporation, out of the moneys that are appropriated therefor by the Legislature, an amount equal to 80 per cent of the net cost, computed in accordance with the regulations, that is paid by the corporation for the care and maintenance of each person resident in the charitable institution. Maintenance grants for institutions other than hostels
2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment
3. This Act may be cited as *The Charitable Institutions Amendment Act, 1966 (No. 2)*. Short title

An Act to amend  
The Charitable Institutions Act, 1962-63

---

*1st Reading*

June 6th, 1966

*2nd Reading*

June 13th, 1966

*3rd Reading*

June 15th, 1966

---

MR. CECILE

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# **BILL 148**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

---

## **The Vocational Rehabilitation Services Act, 1966**

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**MR. CECILE**

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#### EXPLANATORY NOTE

The Bill replaces *The Rehabilitation Services Act*. The new Act expands the programme to include grants and improvement of rehabilitation research and facilities and widens the services provided.

BILL 148

1966

## The Vocational Rehabilitation Services Act, 1966

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "Director" means the Director of the Vocational Rehabilitation Services Branch of the Department of Public Welfare;
- (b) "disabled person" means a person who because of physical or mental impairment is incapable of pursuing regularly any substantially gainful occupation as determined by the regulations;
- (c) "Minister" means the Minister of Public Welfare;
- (d) "regulations" means the regulations made under this Act;
- (e) "vocational rehabilitation services" means goods, allowances or services provided under the rehabilitation programme established under section 5;
- (f) "workshop" means a place where any manufacture or handiwork is carried on and that is operated for the purpose of providing useful and remunerative employment and work training or work assessment under actual or simulated working conditions for vocationally handicapped persons. R.S.O. 1960, c. 350, s. 1, *amended*.

**2.** The Minister, with the approval of the Lieutenant Governor in Council, may make agreements with the Government of Canada or with any person or organization for the purpose of providing vocational rehabilitation services to disabled persons or in respect of the provision of such service. R.S.O. 1960, c. 350, s. 3, *amended*.

Approval of  
organiza-  
tions for  
capital  
grants

**3.** The Lieutenant Governor in Council may approve any organization providing vocational rehabilitation services to which grants for capital purposes may be paid in accordance with the regulations. R.S.O. 1960, c. 350, s. 2, *amended*.

Approval of  
workshops  
for capital  
grants

**4.** The Lieutenant Governor in Council may approve workshops for which grants for capital purposes may be paid in accordance with the regulations. *New*.

Rehabilita-  
tion  
programme

**5.** A rehabilitation programme shall be established to provide,

- (a) goods or services to enable a disabled person to become capable of pursuing regularly a substantially gainful occupation;
- (b) services for the assessment of the individual medical, social and psychological needs of a disabled person and for the formulation of the vocational rehabilitation services likely to be required to meet his needs;
- (c) rehabilitation counselling, including guidance and adjustment services, and assistance in obtaining, and succeeding in, a substantially gainful occupation;
- (d) for the payment of costs of assessment, training, pre-vocational training, work adjustment training, and personal adjustment training, including books and training materials;
- (e) for the payment to disabled persons of maintenance allowances and travelling allowances, including travelling allowances for a disabled person's guide or escort, to the extent necessary to enable the disabled person to derive the full benefit of vocational rehabilitation services provided under this Act;
- (f) medical, surgical or psychiatric treatment or procedures related or directed thereto that may be expected within a reasonable period of time to eliminate or favourably modify any chronic, cyclical or slowly-progressive impairment that renders a person disabled;
- (g) appliances designed to support or take the place of a part of the body or to increase the acuity of a sensory organ;
- (h) necessary initial occupational and business tools, equipment, supplies and licences;



- (i) for the payment of grants,
  - (i) to approved organizations for the establishment and expansion of workshops and for other capital purposes, and
  - (ii) to organizations for the operation of workshops and the provision of other vocational rehabilitation services;
- (j) for the training of persons as counsellors and administrators to carry out the rehabilitation programme;
- (k) for research relating to vocational rehabilitation services and for the payment of grants to persons or organizations for this purpose; and
- (l) for such other matters and services as are prescribed by the regulations: *New.*

**6.** Any disabled person who is ordinarily resident in Ontario and who is eligible therefor as determined by the regulations may be provided with vocational rehabilitation services. R.S.O. 1960, c. 350, s. 4, *amended*. Eligibility  
for services

**7.—(1)** There shall be a Director of the Vocational Rehabilitation Services Branch of the Department of Public Welfare who shall, Duties of  
Director

- (a) make known the rehabilitation programme established under this Act to disabled persons and to any other interested person;
- (b) receive applications for vocational rehabilitation services, determine the eligibility of each applicant and, where the applicant is eligible, determine the nature and extent of the vocational rehabilitation services necessary to meet his needs and direct their provision accordingly;
- (c) carry out and administer the rehabilitation programme, established under this Act, and foster, co-ordinate and improve the programmes of organizations or agencies providing vocational rehabilitation services;
- (d) enter into arrangements with such persons and organizations as may be necessary for the provision of services under this Act;

- (e) compile statistics and reports relating to the provision of vocational rehabilitation services or the need for such services under this Act; and
- (f) carry out such other duties as are assigned to him by this Act and the regulations. R.S.O. 1960, c. 350, s. 5, *amended*.

Where  
Director  
absent

(2) Where the Director is absent or there is a vacancy in the office, the powers and duties of the Director shall be exercised and performed by such person in the public service as the Minister designates. R.S.O. 1960, c. 350, s. 6, *amended*.

Board of  
review

8.—(1) The Minister shall appoint a board of review consisting of such number of members as he deems appropriate and shall designate one of the members as chairman.

Review

(2) Any applicant for vocational rehabilitation services under this Act or the regulations may request a hearing and review by the board of review of a decision, order or directive of the Director affecting the applicant.

Powers on  
review

(3) Where a hearing and review are requested, the board of review shall hold a hearing and may by its order direct the Director to make such decision as the Director is authorized to make under this Act and as the board of review deems proper, and thereupon the Director shall act accordingly.

Order  
final

(4) The order of the board of review is final, but a further application for vocational rehabilitation services may be made by the applicant upon new or other evidence or where it is clear that material circumstances have changed. *New*.

Regulations

9. The Lieutenant Governor in Council may make regulations,

- (a) for determining substantially gainful occupations for the purposes of clause *b* of section 1;
- (b) specifying the organizations approved under section 3 and the workshops approved under section 4;
- (c) governing the amounts of allowances to be paid to disabled persons or any class thereof, and the manner and time of payment;
- (d) providing for the apportionment and distribution of grants to organizations approved under section 3 for the establishment and expansion of workshops approved under section 4 operated by such organizations and for other designated capital purposes, and prescribing the terms and conditions upon which grants shall be paid;



- (e) prescribing the eligibility of workshops and organizations for grants other than grants referred to in clause *d* and providing for the apportionment and distribution of grants to eligible organizations providing workshops or other vocational rehabilitation services or any class thereof, and prescribing the terms and conditions upon which grants shall be paid;
- (f) prescribing additional matters that shall be included in the rehabilitation programme established under section 5;
- (g) prescribing the classes of disabled persons who are eligible for vocational rehabilitation services, and fixing standards of eligibility;
- (h) governing applications for vocational rehabilitation services;
- (i) prescribing additional duties of the Director;
- (j) establishing an advisory committee to advise the Minister respecting the provision and development of vocational rehabilitation services;
- (k) establishing a medical advisory board of one or more persons to advise the Director in the performance of his duties;
- (l) prescribing forms and providing for their use, and requiring the information in any form to be verified by affidavit;
- (m) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 350, s. 8, *amended*.

**10.** The moneys required for the purposes of section 6 and for the administration of this Act shall, until the 31st day of March, 1967, be paid out of the Consolidated Revenue Fund, and thereafter out of the moneys appropriated therefor by the Legislature. *New.* Moneys

**11.** *The Rehabilitation Services Act* is repealed.

R.S.O. 1960,  
c. 350,  
repealed

**12.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

**13.** This Act may be cited as *The Vocational Rehabilitation Services Act, 1966*. Short title

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*1st Reading*

June 6th, 1966

*2nd Reading*

*3rd Reading*

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MR. CECILE

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# **BILL 148**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **The Vocational Rehabilitation Services Act, 1966**

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**MR. CECILE**

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BILL 148

1966

## The Vocational Rehabilitation Services Act, 1966

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "Director" means the Director of the Vocational Rehabilitation Services Branch of the Department of Public Welfare;
- (b) "disabled person" means a person who because of physical or mental impairment is incapable of pursuing regularly any substantially gainful occupation as determined by the regulations;
- (c) "Minister" means the Minister of Public Welfare;
- (d) "regulations" means the regulations made under this Act;
- (e) "vocational rehabilitation services" means goods, allowances or services provided under the rehabilitation programme established under section 5;
- (f) "workshop" means a place where any manufacture or handiwork is carried on and that is operated for the purpose of providing useful and remunerative employment and work training or work assessment under actual or simulated working conditions for vocationally handicapped persons. R.S.O. 1960, c. 350, s. 1, *amended*.

**2.** The Minister, with the approval of the Lieutenant Governor in Council, may make agreements with the Government of Canada or with any person or organization for the purpose of providing vocational rehabilitation services to disabled persons or in respect of the provision of such service. R.S.O. 1960, c. 350, s. 3, *amended*.



Approval of  
organiza-  
tions for  
capital  
grants

**3.** The Lieutenant Governor in Council may approve any organization providing vocational rehabilitation services to which grants for capital purposes may be paid in accordance with the regulations. R.S.O. 1960, c. 350, s. 2, *amended*.

Approval of  
workshops  
for capital  
grants

**4.** The Lieutenant Governor in Council may approve workshops for which grants for capital purposes may be paid in accordance with the regulations. *New*.

Rehabilita-  
tion  
programme

**5.** A rehabilitation programme shall be established to provide,

- (a) goods or services to enable a disabled person to become capable of pursuing regularly a substantially gainful occupation;
- (b) services for the assessment of the individual medical, social and psychological needs of a disabled person and for the formulation of the vocational rehabilitation services likely to be required to meet his needs;
- (c) rehabilitation counselling, including guidance and adjustment services, and assistance in obtaining, and succeeding in, a substantially gainful occupation;
- (d) for the payment of costs of assessment, training, pre-vocational training, work adjustment training, and personal adjustment training, including books and training materials;
- (e) for the payment to disabled persons of maintenance allowances and travelling allowances, including travelling allowances for a disabled person's guide or escort, to the extent necessary to enable the disabled person to derive the full benefit of vocational rehabilitation services provided under this Act;
- (f) medical, surgical or psychiatric treatment or procedures related or directed thereto that may be expected within a reasonable period of time to eliminate or favourably modify any chronic, cyclical or slowly-progressive impairment that renders a person disabled;
- (g) appliances designed to support or take the place of a part of the body or to increase the acuity of a sensory organ;
- (h) necessary initial occupational and business tools, equipment, supplies and licences;



(i) for the payment of grants,

(i) to approved organizations for the establishment and expansion of workshops and for other capital purposes, and

(ii) to organizations for the operation of workshops and the provision of other vocational rehabilitation services;

(j) for the training of persons as counsellors and administrators to carry out the rehabilitation programme;

(k) for research relating to vocational rehabilitation services and for the payment of grants to persons or organizations for this purpose; and

(l) for such other matters and services as are prescribed by the regulations. *New.*

**6.** Any disabled person who is ordinarily resident in Ontario and who is eligible therefor as determined by the regulations may be provided with vocational rehabilitation services. R.S.O. 1960, c. 350, s. 4, *amended*. Eligibility  
for services

**7.—(1)** There shall be a Director of the Vocational Rehabilitation Services Branch of the Department of Public Welfare who shall, Duties of  
Director

(a) make known the rehabilitation programme established under this Act to disabled persons and to any other interested person;

(b) receive applications for vocational rehabilitation services, determine the eligibility of each applicant and, where the applicant is eligible, determine the nature and extent of the vocational rehabilitation services necessary to meet his needs and direct their provision accordingly;

(c) carry out and administer the rehabilitation programme, established under this Act, and foster, co-ordinate and improve the programmes of organizations or agencies providing vocational rehabilitation services;

(d) enter into arrangements with such persons and organizations as may be necessary for the provision of services under this Act;

- (e) compile statistics and reports relating to the provision of vocational rehabilitation services or the need for such services under this Act; and
- (f) carry out such other duties as are assigned to him by this Act and the regulations. R.S.O. 1960, c. 350, s. 5, *amended*.

Where  
Director  
absent

(2) Where the Director is absent or there is a vacancy in the office, the powers and duties of the Director shall be exercised and performed by such person in the public service as the Minister designates. R.S.O. 1960, c. 350, s. 6, *amended*.

Board of  
review

**8.**—(1) The Minister shall appoint a board of review consisting of such number of members as he deems appropriate and shall designate one of the members as chairman.

Review

(2) Any applicant for vocational rehabilitation services under this Act or the regulations may request a hearing and review by the board of review of a decision, order or directive of the Director affecting the applicant.

Powers on  
review

(3) Where a hearing and review are requested, the board of review shall hold a hearing and may by its order direct the Director to make such decision as the Director is authorized to make under this Act and as the board of review deems proper, and thereupon the Director shall act accordingly.

Order  
final

(4) The order of the board of review is final, but a further application for vocational rehabilitation services may be made by the applicant upon new or other evidence or where it is clear that material circumstances have changed. *New*.

Regulations

**9.** The Lieutenant Governor in Council may make regulations,

- (a) for determining substantially gainful occupations for the purposes of clause *b* of section 1;
- (b) specifying the organizations approved under section 3 and the workshops approved under section 4;
- (c) governing the amounts of allowances to be paid to disabled persons or any class thereof, and the manner and time of payment;
- (d) providing for the apportionment and distribution of grants to organizations approved under section 3 for the establishment and expansion of workshops approved under section 4 operated by such organizations and for other designated capital purposes, and prescribing the terms and conditions upon which grants shall be paid;

- (e) prescribing the eligibility of workshops and organizations for grants other than grants referred to in clause *d* and providing for the apportionment and distribution of grants to eligible organizations providing workshops or other vocational rehabilitation services or any class thereof, and prescribing the terms and conditions upon which grants shall be paid;
- (f) prescribing additional matters that shall be included in the rehabilitation programme established under section 5;
- (g) prescribing the classes of disabled persons who are eligible for vocational rehabilitation services, and fixing standards of eligibility;
- (h) governing applications for vocational rehabilitation services;
- (i) prescribing additional duties of the Director;
- (j) establishing an advisory committee to advise the Minister respecting the provision and development of vocational rehabilitation services;
- (k) establishing a medical advisory board of one or more persons to advise the Director in the performance of his duties;
- (l) prescribing forms and providing for their use, and requiring the information in any form to be verified by affidavit;
- (m) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 350, s. 8, *amended*.

**10.** The moneys required for the purposes of section 6 and for the administration of this Act shall, until the 31st day of March, 1967, be paid out of the Consolidated Revenue Fund, and thereafter out of the moneys appropriated therefor by the Legislature. *New.*

**11.** *The Rehabilitation Services Act* is repealed.

R.S.O. 1960,  
c. 350,  
repealed

**12.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-  
ment

**13.** This Act may be cited as *The Vocational Rehabilitation Services Act, 1966*.

Short title

The Vocational Rehabilitation  
Services Act, 1966

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*1st Reading*

June 6th, 1966

*2nd Reading*

June 13th, 1966

*3rd Reading*

June 23rd, 1966

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MR. CECILE

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# BILL 149

4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

## An Act to amend The Homes for the Aged Act

MR. CECILE

#### EXPLANATORY NOTE

The purpose of this Bill is to extend the scope of *The Homes for the Aged Act* to provide for the establishment and maintenance of rest homes for the care of handicapped persons who cannot be properly cared for at home or in existing homes for the aged, hospitals or other institutions.



## An Act to amend The Homes for the Aged Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** The title to *The Homes for the Aged Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 174,  
amended

### THE HOMES FOR THE AGED AND REST HOMES ACT

- 2.** Clauses *a* and *b* of section 1 of *The Homes for the Aged Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 174, s. 1,  
cls. *a*, *b*,  
re-enacted

(a) "home" means a home for the aged established and maintained under this Act or a rest home established and maintained under this Act;

(b) "joint home" means a home of two or more municipalities.

- 3.—(1)** Subsection 1 of section 2 of *The Homes for the Aged Act* is amended by adding at the end thereof "for the aged", so that the subsection shall read as follows: R.S.O. 1960,  
c. 174, s. 2,  
subs. 1,  
amended

(1) Except as otherwise provided in subsection 2 or in section 5, every municipality not in a territorial district shall establish and maintain a home for the aged. Homes for  
the aged  
not in  
districts,  
establish-  
ment, etc.

- (2) Subsection 2 of the said section 2 is amended by adding at the end thereof "for the aged", so that the subsection shall read as follows: R.S.O. 1960,  
c. 174, s. 2,  
subs. 2,  
amended

(2) In lieu of establishing separate homes, the councils of two or more such municipalities may, with the approval in writing of the Minister, enter into an agreement to establish and maintain a joint home for the aged. Idem,  
joint homes  
for the  
aged

R.S.O. 1960,  
c. 174, s. 2,  
amended

(3) The said section 2 is amended by adding thereto the following subsections:

Idem,  
rest homes

- (3) Except as otherwise provided in subsection 4 or in section 5, any municipality not in a territorial district may, and any town, village or township that forms part of a county for municipal purposes may with the prior approval of the council of the county, establish and maintain a rest home.

Idem,  
joint rest  
homes

- (4) In lieu of establishing separate rest homes, the councils of two or more municipalities not in a territorial district or the councils of any two or more towns, villages or townships that form part of a county for municipal purposes may, with the approval in writing of the Minister, enter into an agreement to establish and maintain a joint rest home.

R.S.O. 1960,  
c. 174, s. 6,  
amended

4. Section 6 of *The Homes for the Aged Act*, as amended by section 1 of *The Homes for the Aged Amendment Act, 1961-62*, is further amended by adding thereto the following subsection:

Rest home  
approved  
by county  
must have  
committee  
of manage-  
ment

- (4) Notwithstanding subsections 1 and 2, where the establishment of a rest home has been approved by the county council, there shall be a committee of management for the rest home.

R.S.O. 1960,  
c. 174, s. 13  
(1960-61,  
c. 35, s. 2),  
amended

5.—(1) Section 13 of *The Homes for the Aged Act*, as re-enacted by section 2 of *The Homes for the Aged Amendment Act, 1960-61*, is amended by striking out "or joint home" in the twentieth and twenty-first lines and inserting in lieu thereof "for the aged or joint home for the aged".

R.S.O. 1960,  
c. 174, s. 13  
(1960-61,  
c. 35, s. 2),  
amended

(2) The said section 13 is further amended by adding thereto the following subsection:

Idem,  
rest homes

(2) Any person,

- (a) who is twenty-one or more years of age and who in the opinion of two legally qualified medical practitioners, one of whom is the physician of the home, is in need of long-term maintenance and supervision as prescribed by the regulations; or

- (b) who is under the age of twenty-one years and is eligible under clause a, if his admission is approved by the Minister,

may be admitted to and maintained in a rest home or joint rest home by the committee of management or the board of management, as the case may be, upon receipt of,

- (c) an authorization mentioned in clause *e* of subsection 1;
- (d) an application mentioned in clause *f* of subsection 1;
- (e) a consent mentioned in clause *g* of subsection 1;
- (f) a statement mentioned in clause *h* of subsection 1; and
- (g) a statement in the prescribed form certifying that he is eligible for admission to a rest home or joint rest home under clause *a* or *b* and signed by the physicians referred to in clause *a*.

**6.** *The Homes for the Aged Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 174,  
amended

- 13a. Where in the opinion of the physician of a rest home or joint rest home a resident of the home ceases to be eligible to be maintained therein or where it is in the interest of the welfare of such resident, the resident may be discharged from the home. Discharge  
of residents  
of rest  
homes

**7.** Subsection 1 of section 26 of *The Homes for the Aged Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses: R.S.O. 1960,  
c. 174, s. 26,  
subs. 1,  
amended

- (a) prescribing the location, site, size, design and construction of buildings to be acquired, erected or altered for use as homes or joint homes and the facilities and equipment to be provided therein;

. . . . .

- (ab) prescribing the classes of persons who are in need of long-term maintenance and supervision in rest homes.

**8.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**9.** This Act may be cited as *The Homes for the Aged Amendment Act, 1966*. Short title





An Act to amend  
The Homes for the Aged Act

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*1st Reading*

June 6th, 1966

*2nd Reading*

*3rd Reading*

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M.R. CECILE

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# **BILL 149**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Homes for the Aged Act**

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**MR. CECILE**

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BILL 149

1966

## An Act to amend The Homes for the Aged Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** The title to *The Homes for the Aged Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 174,  
amended

### THE HOMES FOR THE AGED AND REST HOMES ACT

- 2.** Clauses *a* and *b* of section 1 of *The Homes for the Aged Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 174, s. 1,  
cls. *a*, *b*,  
re-enacted

(*a*) "home" means a home for the aged established and maintained under this Act or a rest home established and maintained under this Act;

(*b*) "joint home" means a home of two or more municipalities.

- 3.—(1)** Subsection 1 of section 2 of *The Homes for the Aged Act* is amended by adding at the end thereof "for the aged", so that the subsection shall read as follows: R.S.O. 1960,  
c. 174, s. 2,  
subs. 1,  
amended

(1) Except as otherwise provided in subsection 2 or in section 5, every municipality not in a territorial district shall establish and maintain a home for the aged. Homes for  
the aged  
not in  
districts,  
establish-  
ment, etc.

- (2) Subsection 2 of the said section 2 is amended by adding at the end thereof "for the aged", so that the subsection shall read as follows: R.S.O. 1960,  
c. 174, s. 2,  
subs. 2,  
amended

(2) In lieu of establishing separate homes, the councils of two or more such municipalities may, with the approval in writing of the Minister, enter into an agreement to establish and maintain a joint home for the aged. Idem,  
joint homes  
for the  
aged

R.S.O. 1960,  
c. 174, s. 2,  
amended

(3) The said section 2 is amended by adding thereto the following subsections:

Idem,  
rest homes

- (3) Except as otherwise provided in subsection 4 or in section 5, any municipality not in a territorial district may, and any town, village or township that forms part of a county for municipal purposes may with the prior approval of the council of the county, establish and maintain a rest home.

Idem,  
joint rest  
homes

- (4) In lieu of establishing separate rest homes, the councils of two or more municipalities not in a territorial district or the councils of any two or more towns, villages or townships that form part of a county for municipal purposes may, with the approval in writing of the Minister, enter into an agreement to establish and maintain a joint rest home.

R.S.O. 1960,  
c. 174, s. 6,  
amended

4. Section 6 of *The Homes for the Aged Act*, as amended by section 1 of *The Homes for the Aged Amendment Act, 1961-62*, is further amended by adding thereto the following subsection:

Rest home  
approved  
by county  
must have  
committee  
of manage-  
ment

- (4) Notwithstanding subsections 1 and 2, where the establishment of a rest home has been approved by the county council, there shall be a committee of management for the rest home.

R.S.O. 1960,  
c. 174, s. 13  
(1960-61,  
c. 35, s. 2),  
amended

5.—(1) Section 13 of *The Homes for the Aged Act*, as re-enacted by section 2 of *The Homes for the Aged Amendment Act, 1960-61*, is amended by striking out "or joint home" in the twentieth and twenty-first lines and inserting in lieu thereof "for the aged or joint home for the aged".

R.S.O. 1960,  
c. 174, s. 13  
(1960-61,  
c. 35, s. 2),  
amended

(2) The said section 13 is further amended by adding thereto the following subsection:

Idem,  
rest homes

- (2) Any person,

- (a) who is twenty-one or more years of age and who in the opinion of two legally qualified medical practitioners, one of whom is the physician of the home, is in need of long-term maintenance and supervision as prescribed by the regulations; or
- (b) who is under the age of twenty-one years and is eligible under clause a, if his admission is approved by the Minister,

may be admitted to and maintained in a rest home or joint rest home by the committee of management or the board of management, as the case may be, upon receipt of,

- (c) an authorization mentioned in clause *e* of subsection 1;
- (d) an application mentioned in clause *f* of subsection 1;
- (e) a consent mentioned in clause *g* of subsection 1;
- (f) a statement mentioned in clause *h* of subsection 1; and
- (g) a statement in the prescribed form certifying that he is eligible for admission to a rest home or joint rest home under clause *a* or *b* and signed by the physicians referred to in clause *a*.

**6.** *The Homes for the Aged Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 174,  
amended

13a. Where in the opinion of the physician of a rest home or joint rest home a resident of the home ceases to be eligible to be maintained therein or where it is in the interest of the welfare of such resident, the resident may be discharged from the home. Discharge  
of residents  
of rest  
homes

**7.** Subsection 1 of section 26 of *The Homes for the Aged Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses: R.S.O. 1960,  
c. 174, s. 26,  
subs. 1,  
amended

(a) prescribing the location, site, size, design and construction of buildings to be acquired, erected or altered for use as homes or joint homes and the facilities and equipment to be provided therein;

. . . . .

(ab) prescribing the classes of persons who are in need of long-term maintenance and supervision in rest homes.

**8.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**9.** This Act may be cited as *The Homes for the Aged Amendment Act, 1966*. Short title



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An Act to amend  
The Homes for the Aged Act

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*1st Reading*

June 6th, 1966

*2nd Reading*

June 13th, 1966

*3rd Reading*

June 23rd, 1966

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MR. CECILE

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# BILL 150

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## An Act to amend The Secondary Schools and Boards of Education Act

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MR. DAVIS

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TORONTO

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#### EXPLANATORY NOTES

SECTION 1. Clause *c* is revised to include as resident pupils persons who are under twenty-one years of age but who reside and are assessed in the secondary school district and those over eighteen years of age who are not assessed but have been resident for at least twelve months before being admitted to a secondary school.

SECTION 2. Clause *a* is re-enacted to permit a member of a council or another board to qualify as a candidate for trustee of a high school board without resigning from the council or other board if his term of office has less than two months to run after the day on which the nomination meeting is held.

BILL 150

1966

## An Act to amend The Secondary Schools and Boards of Education Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *c* of subsection 2 of section 1 of *The Secondary Schools and Boards of Education Act*, as enacted by subsection 2 of section 1 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 362, s. 1,  
subs. 2,  
cl. *c*  
(1964,  
c. 106, s. 1,  
subs. 2),  
re-enacted

- (*c*) if he resides and is assessed in the secondary school district or if he is over eighteen years of age and has resided in the secondary school district for the twelve months immediately before his admission to a secondary school in the secondary school district.

**2.** Clause *a* of subsection 2 of section 21 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 362, s. 21,  
subs. 2,  
cl. *a*  
(1965,  
c. 119, s. 4),  
re-enacted

(*a*) who is,

- (i) a member of any other elementary school board or board of education, or
- (ii) a member of the council of a municipality or county all or part of which is included in the high school district, or
- (iii) an elected member of a local board of a municipality or county all or part of which is included in the high school district,

and whose term of office has at least two months to run after the day on which the nomination meeting for a new election is to be held unless before the

opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality or county, as the case may be, or

- (iv) on the effective date of his appointment, a member of another high school board.

R.S.O. 1960,  
c. 362, s. 22,  
subs. 3  
(1965,  
c. 119, s. 5),  
re-enacted

**3.** Subsection 3 of section 22 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 5 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, is repealed and the following substituted therefor:

Parts of  
municipality  
not rated  
for trustee

- (3) Where a part of a municipality is included in a high school district, it shall be deemed not to be a municipality for the purposes of subsections 1 and 2 unless the assessment of such part for secondary school purposes is at least 10 per cent of the total assessment for secondary school purposes in the municipality or in the high school district.

R.S.O. 1960,  
c. 362, s. 29,  
subs. 6,  
repealed

**4.** Subsection 6 of section 29 of *The Secondary Schools and Boards of Education Act* is repealed.

R.S.O. 1960,  
c. 362, s. 42,  
subs. 1,  
re-enacted

**5.** Subsection 1 of section 42 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Advisory  
vocational  
committee

- (1) Where, in accordance with the regulations, one or more schools to which this Part applies are established by a board, the schools shall be under the management and control of the board, and the board shall appoint an advisory vocational committee and shall consider recommendations submitted to it by the committee.

R.S.O. 1960,  
c. 362, s. 54,  
subs. 2,  
cl. a,  
amended

**6.** Clause *a* of subsection 2 of section 54 of *The Secondary Schools and Boards of Education Act* is amended by striking out "city" in the first line and in the second line and inserting in lieu thereof in each instance "municipality", so that the clause shall read as follows:

- (a) in a municipality having a population of 50,000 or more, the separate school board of the municipality shall appoint two members; and

R.S.O. 1960,  
c. 362, s. 55,  
subs. 1,  
cls. c, d,  
re-enacted

**7.—**(1) Clauses *c* and *d* of subsection 1 of section 55 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor:



SECTION 3. Subsection 3 is revised to provide that a part of a municipality having less than 10 per cent of the total assessment for secondary school purposes in the municipality or in the high school district is not entitled to have separate representation on the high school board.

SECTION 4. The provisions respecting the resignation of trustees are made uniform for all school trustees and are transferred to section 44a of *The Schools Administration Act*.

SECTION 5. The amendment is to make this subsection consistent with section 46 as it pertains to the powers of the advisory vocational committee.

SECTION 6. At present, the separate school board of a city having a population of 50,000 or more is entitled to appoint two members to a board of education. This provision is extended to apply to all local municipalities having a population of 50,000 or more.

SECTION 7—Subsections 1 and 2. The amendments provide for additional representatives on boards of education for municipalities having large populations.

Subsection 3. Provision is made for voting in the parts of municipalities in a high school district that are not large enough to have separate representation on a board of education.

SECTION 8—Subsection 1. The amendment corrects a reference.

- (c) of 3,000 or more but less than 6,000 shall elect four members;
- (d) of 6,000 or more but less than 15,000 shall elect five members; and
- (e) of 15,000 or more shall elect seven members.

(2) Clauses *d* and *e* of subsection 2 of the said section 55 are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 362, s. 55,  
subs. 2,  
cls. *d*, *e*,  
re-enacted

- (d) of 6,000 or more but less than 10,000 shall elect four members;
- (e) of 10,000 or more but less than 15,000 shall elect five members;
- (f) of 15,000 or more but less than 25,000 shall elect six members; and
- (g) of 25,000 or more shall elect seven members.

(3) Subsection 3 of the said section 55 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 362, s. 55,  
subs. 3,  
re-enacted

- (3) Where a part of a municipality is included in a high school district, it shall be deemed not to be a municipality for the purposes of subsections 1 and 2 unless the assessment for secondary school purposes in such part is at least 10 per cent of the total assessment for secondary school purposes in the municipality or in the high school district, and any such part that is deemed not to be a municipality for the purposes of subsections 1 and 2 shall, for the purposes of the election of trustees and of voting on school matters, be deemed to be attached to the adjoining municipality all or part of which is included in the high school district or, where there are two or more such adjoining municipalities, to the municipality having the greatest assessment in the high school district as adjusted by the application of the latest equalization factors provided by the Department of Municipal Affairs, and the clerk of the municipality in which the part that is deemed not to be a municipality is situate shall furnish to the clerk of such adjoining municipality a certified copy of the list of voters qualified to vote on public school matters in such part of the municipality.

Parts not  
rated for  
trustee,  
attached to  
adjoining  
municipality  
for voting  
purposes

8.—(1) Subsection 4 of section 70 of *The Secondary Schools and Boards of Education Act*, as re-enacted by subsection 2 of section 15 of *The Secondary Schools and Boards of Education*

R.S.O. 1960,  
c. 362, s. 70,  
subs. 4  
(1965,  
c. 119, s. 15,  
subs. 2),  
amended

*Amendment Act, 1965*, is amended by striking out "subsection 3" in the fifth line and inserting in lieu thereof "subsection 4", so that the subsection shall read as follows:

Idem

- (4) Where a pupil other than one referred to in subsection 1, 2 or 3 attends a secondary school, the board that operates such school may require a fee to be paid by or on behalf of the pupil as provided in subsection 4 of section 100a of *The Schools Administration Act*.

R.S.O. 1960,  
c. 361

R.S.O. 1960,  
c. 362, s. 70,  
subs. 6  
(1965,  
c. 119, s. 15,  
subs. 4),  
re-enacted

- (2) Subsection 6 of the said section 70, as re-enacted by subsection 4 of section 15 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, is repealed and the following substituted therefor:

Limitation  
on right to  
attend  
without  
payment of  
fee

- (6) Notwithstanding subsections 1, 2 and 3 and section 68, where a pupil,

(a) has completed grade 8; and

(b) has attended one or more secondary schools for a total of seven or more years,

he shall not be admitted to a secondary school except upon the payment of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*.

R.S.O. 1960,  
c. 361

R.S.O. 1960,  
c. 362, s. 71,  
subs. 2  
(1965,  
c. 119, s. 16),  
amended

**9.** Subsection 2 of section 71 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 16 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, is amended by striking out "subsection 3" in the eighteenth line and inserting in lieu thereof "subsection 4", so that the subsection shall read as follows:

Where fee  
payable

- (2) Where a child who has been promoted or transferred to a secondary school and who is in the custody of a corporation, society or person resides in a secondary school district and is not qualified for admission to a secondary school in that district under any other provision of this Act or pursuant to an agreement under subsection 2 of section 30 and the secondary school inspector certifies that there is sufficient accommodation in a secondary school in that secondary school district or pursuant to an agreement under subsection 2 of section 30 for the current school year, the board of the district, or the board of the secondary school district with which an agreement has been made under subsection 2 of section 30, shall admit the child to a secondary school

Subsection 2. The subsection is revised to make it consistent with recent amendments to subsections 1, 2 and 3 of section 70 and to extend the maximum period of attendance at secondary schools without fee from six to seven years.

SECTION 9. The amendment is to correct a reference to a provision in *The Schools Administration Act*.



SECTION 10—Subsection 1. The consultative committee provided for in this subsection is designated a secondary school consultative committee to avoid confusion with the public school consultative committee provided for in sections 13 and 14 of *The Public Schools Act*.

Subsection 2. As there are no longer any county pupils, the reference to them in subsection 4 is deleted.



upon the prepayment monthly by the corporation, society or person of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*. R.S.O. 1960, c. 361

**10.**—(1) Subsection 1 of section 76 of *The Secondary Schools and Boards of Education Act* is amended by inserting after “a” where it occurs the second time in the first line “secondary school”, so that the subsection shall read as follows: R.S.O. 1960, c. 362, s. 76, subs. 1, amended

- (1) The council of a county may establish a secondary school consultative committee, which shall consist of the public school inspector or one of them where there are more than one in the county, a person appointed by the Minister, and three other persons appointed by the council. Secondary school consultative committee in county

(2) Subsection 4 of the said section 76 is amended by striking out “county” in the fourth line, so that the subsection shall read as follows: R.S.O. 1960, c. 362, s. 76, subs. 4, amended

- (4) All secondary school boards having jurisdiction within the county shall, on the request of the committee, furnish to the committee information regarding the names, residences and attendance of all resident and other pupils and of all revenues and expenditures together with any further information that the committee may require concerning matters in any way affecting the provision of secondary school education in the county. Information to be supplied to committee

**11.**—(1) This Act, except section 4, subsection 1 of section 8 and section 9, comes into force on the day it receives Royal Assent. Commencement

(2) Subsection 1 of section 8 and section 9 shall be deemed to have come into force on the 1st day of January, 1966. Idem

(3) Section 4 comes into force on the 1st day of January, 1967. Idem

**12.** This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1966*. Short title

An Act to amend The Secondary Schools  
and Boards of Education Act

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*1st Reading*

June 7th, 1966

*2nd Reading*

*3rd Reading*

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MR. DAVIS

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# **BILL 150**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Secondary Schools and Boards of Education Act**

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**MR. DAVIS**

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## An Act to amend The Secondary Schools and Boards of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of subsection 2 of section 1 of *The Secondary Schools and Boards of Education Act*, as enacted by subsection 2 of section 1 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 362, s. 1,  
subs. 2,  
cl. c  
(1964,  
c. 106, s. 1,  
subs. 2),  
re-enacted

- (c) if he resides and is assessed in the secondary school district or if he is over eighteen years of age and has resided in the secondary school district for the twelve months immediately before his admission to a secondary school in the secondary school district.

2. Clause *a* of subsection 2 of section 21 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 362, s. 21,  
subs. 2,  
cl. a  
(1965,  
c. 119, s. 4),  
re-enacted

(a) who is,

- (i) a member of any other elementary school board or board of education, or
- (ii) a member of the council of a municipality or county all or part of which is included in the high school district, or
- (iii) an elected member of a local board of a municipality or county all or part of which is included in the high school district,

and whose term of office has at least two months to run after the day on which the nomination meeting for a new election is to be held unless before the



opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality or county, as the case may be, or

- (iv) on the effective date of his appointment, a member of another high school board.

R.S.O. 1960,  
c. 362, s. 22,  
subs. 3  
(1965,  
c. 119, s. 5),  
re-enacted

**3.** Subsection 3 of section 22 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 5 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, is repealed and the following substituted therefor:

Parts of  
municipality  
not rated  
for trustee

- (3) Where a part of a municipality is included in a high school district, it shall be deemed not to be a municipality for the purposes of subsections 1 and 2 unless the assessment of such part for secondary school purposes is at least 10 per cent of the total assessment for secondary school purposes in the municipality or in the high school district.

R.S.O. 1960,  
c. 362, s. 29,  
subs. 6,  
repealed

**4.** Subsection 6 of section 29 of *The Secondary Schools and Boards of Education Act* is repealed.

R.S.O. 1960,  
c. 362, s. 42,  
subs. 1,  
re-enacted

**5.** Subsection 1 of section 42 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Advisory  
vocational  
committee

- (1) Where, in accordance with the regulations, one or more schools to which this Part applies are established by a board, the schools shall be under the management and control of the board, and the board shall appoint an advisory vocational committee and shall consider recommendations submitted to it by the committee.

R.S.O. 1960,  
c. 362, s. 54,  
subs. 2,  
cl. a,  
amended

**6.** Clause *a* of subsection 2 of section 54 of *The Secondary Schools and Boards of Education Act* is amended by striking out "city" in the first line and in the second line and inserting in lieu thereof in each instance "municipality", so that the clause shall read as follows:

- (a) in a municipality having a population of 50,000 or more, the separate school board of the municipality shall appoint two members; and

R.S.O. 1960,  
c. 362, s. 55,  
subs. 1,  
cls. c, d,  
re-enacted

**7.—**(1) Clauses *c* and *d* of subsection 1 of section 55 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor:



(c) of 3,000 or more but less than 6,000 shall elect four members;

(d) of 6,000 or more but less than 15,000 shall elect five members; and

(e) of 15,000 or more shall elect seven members.

(2) Clauses *d* and *e* of subsection 2 of the said section 55 are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 362, s. 55,  
subs. 2,  
cls. *d*, *e*,  
re-enacted

(d) of 6,000 or more but less than 10,000 shall elect four members;

(e) of 10,000 or more but less than 15,000 shall elect five members;

(f) of 15,000 or more but less than 25,000 shall elect six members; and

(g) of 25,000 or more shall elect seven members.

(3) Subsection 3 of the said section 55 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 362, s. 55,  
subs. 3,  
re-enacted

(3) Where a part of a municipality is included in a high school district, it shall be deemed not to be a municipality for the purposes of subsections 1 and 2 unless the assessment for secondary school purposes in such part is at least 10 per cent of the total assessment for secondary school purposes in the municipality or in the high school district, and any such part that is deemed not to be a municipality for the purposes of subsections 1 and 2 shall, for the purposes of the election of trustees and of voting on school matters, be deemed to be attached to the adjoining municipality all or part of which is included in the high school district or, where there are two or more such adjoining municipalities, to the municipality having the greatest assessment in the high school district as adjusted by the application of the latest equalization factors provided by the Department of Municipal Affairs, and the clerk of the municipality in which the part that is deemed not to be a municipality is situate shall furnish to the clerk of such adjoining municipality a certified copy of the list of voters qualified to vote on public school matters in such part of the municipality.

Parts not  
rated for  
trustee,  
attached to  
adjoining  
municipality  
for voting  
purposes

8.—(1) Subsection 4 of section 70 of *The Secondary Schools and Boards of Education Act*, as re-enacted by subsection 2 of section 15 of *The Secondary Schools and Boards of Education*

R.S.O. 1960,  
c. 362, s. 70,  
subs. 4  
(1965,  
c. 119, s. 15,  
subs. 2),  
amended

*Amendment Act, 1965*, is amended by striking out "subsection 3" in the fifth line and inserting in lieu thereof "subsection 4", so that the subsection shall read as follows:

Idem

- (4) Where a pupil other than one referred to in subsection 1, 2 or 3 attends a secondary school, the board that operates such school may require a fee to be paid by or on behalf of the pupil as provided in subsection 4 of section 100a of *The Schools Administration Act*.

R.S.O. 1960,  
c. 361

R.S.O. 1960,  
c. 362, s. 70,  
subs. 6  
(1965,  
c. 119, s. 15,  
subs. 4),  
re-enacted

- (2) Subsection 6 of the said section 70, as re-enacted by subsection 4 of section 15 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, is repealed and the following substituted therefor:

Limitation  
on right to  
attend  
without  
payment of  
fee

- (6) Notwithstanding subsections 1, 2 and 3 and section 68, where a pupil,

(a) has completed grade 8; and

(b) has attended one or more secondary schools for a total of seven or more years,

he shall not be admitted to a secondary school except upon the payment of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*.

R.S.O. 1960,  
c. 361

R.S.O. 1960,  
c. 362, s. 71,  
subs. 2  
(1965,  
c. 119, s. 16),  
amended

9. Subsection 2 of section 71 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 16 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, is amended by striking out "subsection 3" in the eighteenth line and inserting in lieu thereof "subsection 4", so that the subsection shall read as follows:

Where fee  
payable

- (2) Where a child who has been promoted or transferred to a secondary school and who is in the custody of a corporation, society or person resides in a secondary school district and is not qualified for admission to a secondary school in that district under any other provision of this Act or pursuant to an agreement under subsection 2 of section 30 and the secondary school inspector certifies that there is sufficient accommodation in a secondary school in that secondary school district or pursuant to an agreement under subsection 2 of section 30 for the current school year, the board of the district, or the board of the secondary school district with which an agreement has been made under subsection 2 of section 30, shall admit the child to a secondary school

upon the prepayment monthly by the corporation, society or person of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*.

R.S.O. 1960,  
c. 361

**10.**—(1) Subsection 1 of section 76 of *The Secondary Schools and Boards of Education Act* is amended by inserting after “a” where it occurs the second time in the first line “secondary school”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 362, s. 76,  
subs. 1,  
amended

- (1) The council of a county may establish a secondary school consultative committee, which shall consist of the public school inspector or one of them where there are more than one in the county, a person appointed by the Minister, and three other persons appointed by the council.

Secondary  
school  
consultative  
committee in  
county

(2) Subsection 4 of the said section 76 is amended by striking out “county” in the fourth line, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 362, s. 76,  
subs. 4,  
amended

- (4) All secondary school boards having jurisdiction within the county shall, on the request of the committee, furnish to the committee information regarding the names, residences and attendance of all resident and other pupils and of all revenues and expenditures together with any further information that the committee may require concerning matters in any way affecting the provision of secondary school education in the county.

Information  
to be  
supplied to  
committee

**11.**—(1) This Act, except section 4, subsection 1 of section 8 and section 9, comes into force on the day it receives Royal Assent.

Commence-  
ment

(2) Subsection 1 of section 8 and section 9 shall be deemed to have come into force on the 1st day of January, 1966.

Idem

(3) Section 4 comes into force on the 1st day of January, 1967.

Idem

**12.** This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1966*.

Short title

An Act to amend The Secondary Schools  
and Boards of Education Act

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*1st Reading*

June 7th, 1966

*2nd Reading*

June 13th, 1966

*3rd Reading*

June 23rd, 1966

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MR. DAVIS

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# **BILL 151**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Schools Administration Act**

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**MR. DAVIS**

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#### EXPLANATORY NOTES

SECTION 1—Subsection 1. The present definition applies only to teachers employed to teach on a daily basis. It is extended to apply to occasional teachers employed to teach on any basis.

Subsection 2. With the formation of township school areas in all townships, the only rural school sections remaining are those in territory without municipal organization. The definition is revised accordingly.

Subsection 3. The definition is revised to make it clear that a teacher employed on a letter of permission is not a permanent teacher.

Subsection 4. The definition of "urban school section" is new and is for convenience of reference.

SECTION 2. Section 3, as re-enacted, divides the school year into three terms and replaces the vacation at Easter with a week that is constant.

Section 4 respecting school holidays is revised accordingly.



## An Act to amend The Schools Administration Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Paragraph 23 of subsection 2 of section 1 of *The Schools Administration Act* is amended by striking out “on a daily basis” in the second line, so that the paragraph shall read as follows: R.S.O. 1960,  
c. 361, s. 1,  
subs. 2,  
par. 23,  
amended

23. “occasional teacher” means a teacher employed to teach as a substitute for a permanent, probationary or temporary teacher.

(2) Paragraph 32 of subsection 2 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 361, s. 1,  
subs. 2,  
par. 32,  
re-enacted

32. “rural school section” means a school section that comprises only territory without municipal organization.

(3) Paragraph 40 of subsection 2 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 361, s. 1,  
subs. 2,  
par. 40,  
re-enacted

40. “temporary teacher” means a person employed to teach under the authority of a letter of permission.

(4) Subsection 2 of the said section 1 is amended by adding thereto the following paragraph: R.S.O. 1960,  
c. 361, s. 1,  
subs. 2,  
amended

43. “urban school section” means an enlarged administrative area, a union school section or a school section that includes an urban municipality.

**2.** Section 3 and section 4, as amended by section 2 of *The Schools Administration Amendment Act, 1965*, of *The Schools Administration Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 361,  
ss. 3, 4,  
re-enacted

- School year 3. -- (1) The school year for elementary and secondary schools consists of three terms.
- First term (2) The first or fall term commences on the day following Labour Day and ends on the 22nd day of December, but, when the 22nd day of December is a Monday, the first term ends on the preceding Friday.
- Second term (3) The second or winter term commences on the 3rd day of January and ends on the Friday preceding the 21st day of March, but, when the 3rd day of January is a Friday, the second term commences on the following Monday.
- Third term (4) The third or spring term commences on the second Monday following the end of the second term and ends on the 30th day of June, but, when the 30th day of June is a Monday or Tuesday, the third term ends on the preceding Friday.
- School holidays 4. The following days are school holidays:
1. Every Saturday and Sunday.
  2. Every day proclaimed a public holiday by the authorities of the municipality in which the school is situated.
  3. Every day upon which the school is closed under *The Emergency Measures Act, 1962-63*, *The Public Health Act* or *The Department of Education Act* or the regulations.
  4. A day approved by the inspector for a teachers' institute or conference.
  5. A day appointed by the Governor General or the Lieutenant Governor as a public holiday or for thanksgiving.
  6. The birthday of the reigning sovereign or the day fixed by proclamation of the Governor General for the celebration of the birthday of the reigning sovereign.
  7. Good Friday, Easter Monday, Victoria Day and Remembrance Day.
  8. Where under section 5 the school is open during July and August, Dominion Day and Labour Day.

1962-63,  
c. 41  
R.S.O. 1960,  
cc. 321, 94



SECTION 3. The amendment is complementary to the provisions of sections 3 and 4 as re-enacted in section 2 of this Bill.

SECTION 4. The amendments make it the responsibility of a principal, rather than the teacher as at present, to ensure the recording of the attendance of pupils.

SECTION 5. At present, a member of any elementary school board may be the secretary and treasurer of the board. The provision is amended to apply only to rural elementary school boards.

SECTION 6. The new section provides for the co-operative use of administrative accommodation or advisory and teaching personnel by school boards.

**3.** Subsection 1 of section 5 of *The Schools Administration Act* is amended by striking out "Easter and" in the third line and inserting in lieu thereof "between the second and third terms and for", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 361, s. 5,  
subs. 1,  
amended

- (1) With the approval of the inspector, a rural elementary school board may substitute holidays in some other part of the year for part of the time allowed for between the second and third terms and for summer holidays to suit the convenience of pupils and teachers, but the same number of holidays shall be allowed in each year.

Rural  
areas

**4.**—(1) Clause *g* of subsection 1 of section 22 of *The Schools Administration Act*, as re-enacted by section 3 of *The Schools Administration Amendment Act, 1965*, is repealed.

R.S.O. 1960,  
c. 361, s. 22,  
subs. 1,  
cl. *g*  
(1965,  
c. 118, s. 3),  
repealed

(2) Subsection 2 of the said section 22, as amended by section 4 of *The Schools Administration Amendment Act, 1964*, is further amended by adding thereto the following clause:

R.S.O. 1960,  
c. 361, s. 22,  
subs. 2,  
amended

- (*ba*) to ensure that the attendance of pupils for every school day is recorded in the register supplied by the Minister in accordance with the instructions contained therein or in such other manner as is approved by the Minister.

attendance  
records

**5.** Paragraph 2 of section 34 of *The Schools Administration Act* is amended by striking out "an" in the second line and inserting in lieu thereof "a rural", so that the paragraph shall read as follows:

R.S.O. 1960  
c. 361, s. 34,  
par. 2,  
amended

2. appoint a secretary and a treasurer or a secretary-treasurer, who, in the case of a rural elementary school board, may be a member of the board.

appoint  
secretary

**6.** *The Schools Administration Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 361,  
amended

- 35*b*. A public school board or a high school board may enter into an agreement with any other board to provide for the other board,

Agreements  
to provide  
administra-  
tive accom-  
modation  
or sharing  
of teachers,  
etc.

- (*a*) accommodation for administrative purposes;  
or

- (*b*) the services of a psychiatrist, psychologist or teacher.



R.S.O. 1960,  
c. 361, s. 36  
(1964,  
c. 105, s. 8),  
subs. 1,  
amended

7.—(1) Subsection 1 of section 36 of *The Schools Administration Act*, as re-enacted by section 8 of *The Schools Administration Amendment Act, 1964*, is amended by striking out "with more than three trustees" in the first line, so that the first seven lines of the subsection shall read as follows:

Honorarium  
for trustees

- (1) A board may pay to each trustee, except trustees who are appointed to a board of education for secondary school purposes only, for each month an honorarium not exceeding an amount based on the average daily attendance of pupils in the schools operated by the board in the preceding year as follows:

R.S.O. 1960,  
c. 361, s. 36  
(1964, s. 8),  
c. 105, s. 8),  
amended

(2) The said section 36, as amended by section 5 of *The Schools Administration Amendment Act, 1965*, is further amended by adding thereto the following subsection:

Chairman,  
additional  
honorarium

- (2a) A board may pay to its chairman, in addition to any honorarium that may be paid to him as trustee, an additional honorarium not exceeding 25 per cent of the honorarium that may be paid to him as trustee.

R.S.O. 1960,  
c. 361, s. 37,  
amended

8. Section 37 of *The Schools Administration Act*, as amended by section 9 of *The Schools Administration Amendment Act, 1964* and section 6 of *The Schools Administration Amendment Act, 1965*, is further amended by adding thereto the following subsections:

Idem

- (7) Where a pupil resides in a territorial district but not in a school section, a separate school zone or a high school district, with his parent or guardian in a residence that is fifteen miles or more by road or rail from a secondary school that he is eligible to attend, the board of the secondary school that he attends may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil board, lodging, and transportation once a week from his residence to school and return, in an amount not exceeding \$3 for each day of attendance as certified by the principal of the secondary school that the pupil attends.

Idem

- (8) Where a pupil resides in a high school district in a territorial district with his parent or guardian in a residence that is fifteen miles or more by road or rail from a secondary school that he attends under section 66 or that he has a right to attend under section



SECTION 7—Subsection 1. The amendment provides for the payment of a maximum monthly honorarium for all trustees including rural boards having three members who at present are not eligible for such honorarium.

Subsection 2. An additional honorarium for chairmen of boards is authorized, not exceeding 25 per cent of the honorarium that may be paid to them as trustees.

SECTION 8. The new subsections 7 and 8 extend the present provision providing for board and lodging for secondary school pupils in territory without municipal organization.

SECTION 9. The provisions respecting the resignation of trustees are made uniform for all school boards and are similar to those for members of municipal councils.

SECTION 10. As *The Municipal Act* is to be amended to authorize triennial elections, section 54 is revised to provide for triennial elections for trustees of school boards where the council of a municipality that is elected triennially is required to conduct the election of trustees.

68 of *The Secondary Schools and Boards of Education Act*, the secondary school board of the high school district of which he is a resident pupil may, in lieu of providing daily transportation to and from the secondary school that he attends, reimburse the parent or guardian at the end of each month for the cost of providing for such pupil board, lodging, and transportation once a week from his residence to school and return, in an amount not exceeding \$3 for each day of attendance as certified by the principal of the secondary school that the pupil attends.

**9.** *The Schools Administration Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 361,  
amended

44a. A trustee of a board, with the consent of a majority of the trustees present at a meeting, entered upon the minutes of it, may resign as trustee, but he shall not vote on a motion as to his own resignation and may not resign as trustee if his resignation will reduce the number of trustees of the board to less than a quorum. Resignation  
of trustees

**10.** Section 54 of *The Schools Administration Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 361, s. 54,  
re-enacted

54.—(1) Notwithstanding any other Act, where the council of a municipality is required to conduct the election of trustees for a board and biennial or triennial elections have been provided for members of council, the trustees shall be elected biennially or triennially in the same year as the members of council and shall hold office for two or three years, as the case may be. Biennial or  
triennial  
elections

(2) All elected trustees in office in the year in which the nomination meeting is to be held in respect of the first biennial or triennial election of trustees cease to hold office at the end of that year. Trustees in  
office before  
first biennial  
or triennial  
election

(3) Where a board has jurisdiction in more than one municipality and the election of members of council of the municipality that is responsible for conducting the nominations and elections of trustees has annual elections and one or more of the other municipalities has biennial or triennial elections for members of council, each municipality having biennial or triennial elections shall make provision for the nomina- Where a  
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triennial  
elections

tion and election of trustees in the municipality for the year in which elections are not held for members of council of that municipality.

Formation of school board during biennial or triennial term of council

- (4) Where a council is elected biennially or triennially and a new board is established after the election of council to be organized in the second or third year of the term of council, the council shall provide for the election of trustees to hold office for one or two years, as the case may be, from the 1st day of January of the year in which the board is organized, and the election shall be held in the same manner as the election of trustees is held at municipal elections.

R.S.O. 1960, c. 361, s. 55, subs. 1, amended

**11.** Subsection 1 of section 55 of *The Schools Administration Act* is amended by inserting after "any" in the fifth line "linguistic", so that the subsection shall read as follows:

Classes which may be established

- (1) Subject to the regulations, a board may establish and conduct classes for children who, not being persons whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age, are from any linguistic, physical or mental cause unable to take proper advantage of the elementary or secondary school courses.

R.S.O. 1960, c. 361, s. 80, re-enacted

**12.** Section 80 of *The Schools Administration Act* is repealed and the following substituted therefor:

Inspectorates, number of

- 80.—(1) The Minister shall determine the number of inspectorates in Ontario, the limits of each inspectorate and the number of provincial inspectors to be appointed.

Provincial inspectors

- (2) Provincial inspectors shall be appointed by the Lieutenant Governor in Council upon the recommendation of the Minister.

R.S.O. 1960, c. 361, s. 81, re-enacted

**13.** Section 81 of *The Schools Administration Act*, as amended by section 10 of *The Schools Administration Amendment Act, 1964* and section 16 of *The Schools Administration Amendment Act, 1965*, is repealed and the following substituted therefor:

Municipal inspectors, public schools

- 81.—(1) Where the enrolment on the 30th day of September in any year of pupils in the public schools operated by a board in the classes where English is the language of instruction, or in the classes where,

SECTION 11. The amendment permits a board to establish classes for pupils whose knowledge of the English language is inadequate.

SECTIONS 12, 13 and 14. The provisions respecting supervisory officers are revised for the purposes of clarification.





with the approval of the Minister, both English and French are the languages of instruction, is 2,000 or more but less than 3,000, the board may request the Minister to designate the school section as a municipal inspectorate, and, if the request is granted, the school section shall become a municipal inspectorate for public school purposes on the 1st day of August of the following year and the board shall employ a school inspector in accordance with subsection 8.

- (2) Where the enrolment on the 30th day of September <sup>Idem</sup> in any year of pupils in the public schools operated by a board is 3,000 or more, of which at least 2,000 are either in the classes where English is the language of instruction, or in the classes where, with the approval of the Minister, both English and French are the languages of instruction, the school section shall become a municipal inspectorate for public school purposes on the 1st day of August of the following year and the board shall employ an adequate staff of school inspectors in accordance with subsection 8.
- (3) In the year 1968 and thereafter, where the enrolment <sup>Separate schools</sup> on the 30th day of September in any year of pupils in the separate schools in the classes where English is the language of instruction, or in the classes where, with the approval of the Minister, both English and French are the languages of instruction, operated by a board in a separate school zone is 2,000 or more but less than 3,000, the board may request the Minister to designate the zone as a municipal inspectorate for separate school purposes, and, if the request is granted, the zone shall become a municipal inspectorate for separate school purposes on the 1st day of August of the following year and the board shall employ a school inspector in accordance with subsection 8.
- (4) Where the enrolment on the 30th day of September <sup>Idem</sup> of pupils in the separate schools operated by a board in a separate school zone,
  - (a) in the year 1965 was 40,000 or more;
  - (b) in the year 1966 is 10,000 or more; and
  - (c) in the year 1967 and thereafter is 3,000 or more, of which at least 2,000 are either in the classes where English is the language of

instruction, or in the classes where, with the approval of the Minister, both English and French are the languages of instruction,

the zone shall become a municipal inspectorate for separate school purposes on the 1st day of August of the following year and the board shall employ an adequate staff of school inspectors in accordance with subsection 8.

Secondary  
schools

- (5) Where the enrolment on the 30th day of September in any year of pupils in the secondary schools operated by a board is 3,000 or more, the board may request the Minister to designate the high school district as a municipal inspectorate for secondary school purposes, and, if the request is granted, the high school district shall become a municipal inspectorate for secondary school purposes on the 1st day of August of the following year and the board shall employ an adequate staff of school inspectors in accordance with subsection 8.

Director of  
education

- (6) Where the enrolment on the 30th day of September in any year of pupils in the public and secondary schools operated by a board of education is 2,000 or more, the board may request the Minister to designate the school section as a municipal inspectorate, and, if the request is granted, the school section shall become a municipal inspectorate on the 1st day of August of the following year and the board shall appoint a director of education who shall be qualified as required by the regulations and who, under the direction of the board, shall be in charge of the schools under the jurisdiction of the board.

Idem

- (7) On or after the 1st day of September, 1967, where the enrolment on the 30th day of September in any year of pupils in the public and secondary schools operated by a board of education becomes 3,000 or more, the school section shall become a municipal inspectorate on the 1st day of August of the following year and the board shall appoint a director of education who shall be qualified as required by the regulations and who, under the direction of the board, shall be in charge of the schools under the jurisdiction of the board.

Number of  
inspectors

- (8) Where a school section, separate school zone or high school district is a municipal inspectorate, the board of the section, zone or district in respect of,

- (a) elementary school classes where English is the language of instruction;
- (b) elementary school classes where, with the approval of the Minister, English and French are the languages of instruction; and
- (c) secondary school classes,

shall employ, before the 1st day of August of the year following the year in which the enrolment of pupils on the 30th day of September in the classes referred to in clause *a*, *b* or *c* in the schools operated by the board was,

- (d) 2,000 or more but less than 3,500, at least one inspector;
- (e) 3,500 or more but less than 7,000, at least two inspectors,

and at least one additional inspector in respect of each additional 7,000 pupils of enrolment on the 30th day of September in classes referred to in clause *a*, *b* or *c*, as the case may be.

- (9) Where a municipal inspectorate has been established Provincial inspection for a school section or separate school zone and the board has in its schools both,

- (a) elementary school classes where English is the language of instruction; and
- (b) elementary school classes where, with the approval of the Minister, English and French are the languages of instruction,

and the enrolment of pupils in either of the classes designated in clause *a* or *b* is less than 2,000, the Minister may provide for provincial inspection services for such classes.

- (10) Where a municipal inspectorate has been established Idem for a high school district, the Minister may provide provincial inspection services for secondary school classes.

**14.** Section 82 of *The Schools Administration Act*, as re-enacted by section 17 of *The Schools Administration Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960, c. 361, s. 82 (1965, c. 118, s. 17), re-enacted



Super-  
intendents

82.—(1) Where a board appoints one or more inspectors, the board,

(a) shall, in the case of public and secondary schools, designate one of the inspectors as superintendent of public or secondary schools, as the case may be;

(b) shall, in the case of separate school classes where English is the language of instruction, appoint one of the inspectors as superintendent of such classes, and, in classes where English and French are the languages of instruction, appoint a superintendent of such classes, and shall designate the superintendent of the classes having the greater enrolment on the 30th day of September in any year as the chief executive officer of the board; and

(c) may assign to the superintendent and to each inspector such administrative duties, in addition to those prescribed in the regulations, as the board deems expedient.

Director of  
education to  
be chief  
executive  
officer

(2) Where a board of education appoints a director of education, he shall be the chief executive officer of the board.

Super-  
intendent to  
be chief  
executive  
officer

(3) Where a board, other than a board of education, appoints a superintendent of public or secondary schools, such superintendent shall be the chief executive officer of the board.

Appoint-  
ment and  
removal of  
directors,  
super-  
intendents

(4) The appointment or removal of a director, assistant director, superintendent, assistant superintendent or inspector is not effective until approved by the Minister, and the provisions of this Part respecting the suspension or removal of an inspector apply *mutatis mutandis* to a director, assistant director, superintendent and assistant superintendent.

R.S.O. 1960,  
c. 361, s. 99,  
subs. 5,  
re-enacted

**15.** Subsection 5 of section 99 of *The Schools Administration Act* is repealed and the following substituted therefor:

Application  
to treasurers

(5) This section applies also to treasurers who meet to apportion costs between parts of a union school section, parts of a county, district or township school area or parts of a secondary school district.

Commence-  
ment

**16.**—(1) This Act, except sections 2, 3, 9, 11, 12, 13 and 14, comes into force on the day it receives Royal Assent.

SECTION 15. Section 99 provides for the liability of the parties for costs of arbitrations and for the fees of arbitrators. Subsection 5 is amended to make such provisions applicable to treasurers where they are arbitrators to apportion the costs between parts of county and district school areas. The section is at present applicable to union school sections and township school areas.





(2) Sections 11, 12, 13 and 14 shall be deemed to have come <sup>Idem</sup> into force on the 1st day of January, 1966.

(3) Section 9 comes into force on the 1st day of January, <sup>Idem</sup> 1967.

(4) Sections 2 and 3 come into force on the 1st day of <sup>Idem</sup> September, 1967.

**17.** This Act may be cited as *The Schools Administration* <sup>Short title</sup> *Amendment Act, 1966*.





An Act to amend  
The Schools Administration Act

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*1st Reading*

June 7th, 1966

*2nd Reading*

*3rd Reading*

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MR. DAVIS

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# BILL 151

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## An Act to amend The Schools Administration Act

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MR. DAVIS

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*(Reprinted as amended by the Committee on Education and University Affairs)*  
*(Corrected Reprint)*

#### EXPLANATORY NOTES

SECTION 1—Subsection 1. The present definition applies only to teachers employed to teach on a daily basis. It is extended to apply to occasional teachers employed to teach on any basis.

Subsection 2. With the formation of township school areas in all townships, the only rural school sections remaining are those in territory without municipal organization. The definition is revised accordingly.

Subsection 3. The definition is revised to make it clear that a teacher employed on a letter of permission is not a permanent teacher.

Subsection 4. The definition of "urban school section" is new and is for convenience of reference.

SECTION 2. Section 3, as re-enacted, divides the school year into three terms and replaces the vacation at Easter with a week that is constant.

Section 4 respecting school holidays is revised accordingly.



## An Act to amend The Schools Administration Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Paragraph 23 of subsection 2 of section 1 of *The Schools Administration Act* is amended by striking out “on a daily basis” in the second line, so that the paragraph shall read as follows: R.S.O. 1960,  
c. 361, s. 1,  
subs. 2,  
par. 23,  
amended

23. “occasional teacher” means a teacher employed to teach as a substitute for a permanent, probationary or temporary teacher.

(2) Paragraph 32 of subsection 2 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 361, s. 1,  
subs. 2,  
par. 32,  
re-enacted

32. “rural school section” means a school section that comprises only territory without municipal organization.

(3) Paragraph 40 of subsection 2 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 361, s. 1,  
subs. 2,  
par. 40,  
re-enacted

40. “temporary teacher” means a person employed to teach under the authority of a letter of permission.

(4) Subsection 2 of the said section 1 is amended by adding thereto the following paragraph: R.S.O. 1960,  
c. 361, s. 1,  
subs. 2,  
amended

43. “urban school section” means an enlarged administrative area, a union school section or a school section that includes an urban municipality.

**2.** Section 3 and section 4, as amended by section 2 of *The Schools Administration Amendment Act, 1965*, of *The Schools Administration Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 361,  
ss. 3, 4,  
re-enacted

- School year 3.—(1) The school year for elementary and secondary schools consists of three terms.
- First term (2) The first or fall term commences on the day following Labour Day and ends on the 22nd day of December, but, when the 22nd day of December is a Monday, the first term ends on the preceding Friday.
- Second term (3) The second or winter term commences on the 3rd day of January and ends on the Friday preceding the 21st day of March, but, when the 3rd day of January is a Friday, the second term commences on the following Monday.
- Third term (4) The third or spring term commences on the second Monday following the end of the second term and ends on the 30th day of June, but, when the 30th day of June is a Monday or Tuesday, the third term ends on the preceding Friday.
- School holidays 4. The following days are school holidays:
1. Every Saturday and Sunday.
  2. Every day proclaimed a public holiday by the authorities of the municipality in which the school is situated.
  3. Every day upon which the school is closed under *The Emergency Measures Act, 1962-63*, *The Public Health Act* or *The Department of Education Act* or the regulations.
  4. A day approved by the inspector for a teachers' institute or conference.
  5. A day appointed by the Governor General or the Lieutenant Governor as a public holiday or for thanksgiving.
  6. The birthday of the reigning sovereign or the day fixed by proclamation of the Governor General for the celebration of the birthday of the reigning sovereign.
  7. Good Friday, Easter Monday, Victoria Day and Remembrance Day.
  8. Where under section 5 the school is open during July and August, Dominion Day and Labour Day.

1962-63,  
c. 41  
R.S.O. 1960,  
cc. 321, 94



SECTION 3. The amendment is complementary to the provisions of sections 3 and 4 as re-enacted in section 2 of this Bill.

SECTION 4. The amendments make it the responsibility of a principal, rather than the teacher as at present, to ensure the recording of the attendance of pupils.

SECTION 5. At present, a member of any elementary school board may be the secretary and treasurer of the board. The provision is amended to apply only to rural elementary school boards.

SECTION 6. The new section provides for the co-operative use of administrative accommodation or advisory and teaching personnel by school boards.



**3.** Subsection 1 of section 5 of *The Schools Administration Act* is amended by striking out "Easter and" in the third line and inserting in lieu thereof "between the second and third terms and for", so that the subsection shall read as follows: R.S.O. 1960,  
c. 361, s. 5,  
subs. 1,  
amended

- (1) With the approval of the inspector, a rural elementary school board may substitute holidays in some other part of the year for part of the time allowed for between the second and third terms and for summer holidays to suit the convenience of pupils and teachers, but the same number of holidays shall be allowed in each year. Rural  
areas

**4.—**(1) Clause g of subsection 1 of section 22 of *The Schools Administration Act*, as re-enacted by section 3 of *The Schools Administration Amendment Act, 1965*, is repealed. R.S.O. 1960,  
c. 361, s. 22,  
subs. 1,  
cl. g  
(1965,  
c. 118, s. 3),  
repealed

(2) Subsection 2 of the said section 22, as amended by section 4 of *The Schools Administration Amendment Act, 1964*, is further amended by adding thereto the following clause: R.S.O. 1960,  
c. 361, s. 22,  
subs. 2,  
amended

- (ba) to ensure that the attendance of pupils for every school day is recorded in the register supplied by the Minister in accordance with the instructions contained therein or in such other manner as is approved by the Minister. attendance  
records

**5.** Paragraph 2 of section 34 of *The Schools Administration Act* is amended by striking out "an" in the second line and inserting in lieu thereof "a rural", so that the paragraph shall read as follows: R.S.O. 1960,  
c. 361, s. 34,  
par. 2,  
amended

2. appoint a secretary and a treasurer or a secretary-treasurer, who, in the case of a rural elementary school board, may be a member of the board. appoint  
secretary,  
treasurer

**6.** *The Schools Administration Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 361,  
amended

- 35b. A public school board or a high school board may enter into an agreement with any other board to provide for the other board, Agreements  
to provide  
administra-  
tive accom-  
modation  
or sharing  
of teachers,  
etc.

- (a) accommodation for administrative purposes;  
or

- (b) the services of a psychiatrist, psychologist or teacher.

R.S.O. 1960,  
c. 361, s. 36  
(1964,  
c. 105, s. 8),  
subs. 1,  
amended

**7.**—(1) Subsection 1 of section 36 of *The Schools Administration Act*, as re-enacted by section 8 of *The Schools Administration Amendment Act, 1964*, is amended by striking out "with more than three trustees" in the first line, so that the first seven lines of the subsection shall read as follows:

Honorarium  
for trustees

- (1) A board may pay to each trustee, except trustees who are appointed to a board of education for secondary school purposes only, for each month an honorarium not exceeding an amount based on the average daily attendance of pupils in the schools operated by the board in the preceding year as follows:

R.S.O. 1960,  
c. 361, s. 36  
(1964,  
c. 105, s. 8),  
amended

(2) The said section 36, as amended by section 5 of *The Schools Administration Amendment Act, 1965*, is further amended by adding thereto the following subsection:

Chairman,  
additional  
honorarium

- (2a) A board may pay to its chairman, in addition to any honorarium that may be paid to him as trustee, an additional honorarium not exceeding 25 per cent of the honorarium that may be paid to him as trustee.

R.S.O. 1960,  
c. 361, s. 37,  
amended

**8.** Section 37 of *The Schools Administration Act*, as amended by section 9 of *The Schools Administration Amendment Act, 1964* and section 6 of *The Schools Administration Amendment Act, 1965*, is further amended by adding thereto the following subsections:

Idem

- (7) Where a pupil resides in a territorial district but not in a school section, a separate school zone or a high school district, with his parent or guardian in a residence that is fifteen miles or more by road or rail from a secondary school that he is eligible to attend, the board of the secondary school that he attends may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil board, lodging, and transportation once a week from his residence to school and return, in an amount not exceeding \$3 for each day of attendance as certified by the principal of the secondary school that the pupil attends.

Idem

- (8) Where a pupil resides in a high school district in a territorial district with his parent or guardian in a residence that is fifteen miles or more by road or rail from a secondary school that he attends under section 66 or that he has a right to attend under section



**SECTION 7—Subsection 1.** The amendment provides for the payment of a maximum monthly honorarium for all trustees including rural boards having three members who at present are not eligible for such honorarium.

**Subsection 2.** An additional honorarium for chairmen of boards is authorized, not exceeding 25 per cent of the honorarium that may be paid to them as trustees.

**SECTION 8.** The new subsections 7 and 8 extend the present provision providing for board and lodging for secondary school pupils in territory without municipal organization.

SECTION 9. The provisions respecting the resignation of trustees are made uniform for all school boards and are similar to those for members of municipal councils.

SECTION 10. As *The Municipal Act* is to be amended to authorize triennial elections, section 54 is revised to provide for triennial elections for trustees of school boards where the council of a municipality that is elected triennially is required to conduct the election of trustees.

68 of *The Secondary Schools and Boards of Education Act*, the secondary school board of the high school district of which he is a resident pupil may, in lieu of providing daily transportation to and from the secondary school that he attends, reimburse the parent or guardian at the end of each month for the cost of providing for such pupil board, lodging, and transportation once a week from his residence to school and return, in an amount not exceeding \$3 for each day of attendance as certified by the principal of the secondary school that the pupil attends.

**9.** *The Schools Administration Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 361,  
amended

**44a.** A trustee of a board, with the consent of a majority of the trustees present at a meeting, entered upon the minutes of it, may resign as trustee, but he shall not vote on a motion as to his own resignation and may not resign as trustee if his resignation will reduce the number of trustees of the board to less than a quorum. Resignation  
of trustees

**10.** Section 54 of *The Schools Administration Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 361, s. 54,  
re-enacted

**54.—(1)** Notwithstanding any other Act, where the council of a municipality is required to conduct the election of trustees for a board and biennial or triennial elections have been provided for members of council, the trustees shall be elected biennially or triennially in the same year as the members of council and shall hold office for two or three years, as the case may be. Biennial or  
triennial  
elections

**(2)** All elected trustees in office in the year in which the nomination meeting is to be held in respect of the first biennial or triennial election of trustees cease to hold office at the end of that year. Trustees in  
office before  
first biennial  
or triennial  
election

**(3)** Where a board has jurisdiction in more than one municipality and the election of members of council of the municipality that is responsible for conducting the nominations and elections of trustees has annual elections and one or more of the other municipalities has biennial or triennial elections for members of council, each municipality having biennial or triennial elections shall make provision for the nomina- Where a  
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municipality  
has annual  
elections and  
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municipality  
in same  
school  
section has  
biennial or  
triennial  
elections

tion and election of trustees in the municipality for the year in which elections are not held for members of council of that municipality.

Formation of school board during biennial or triennial term of council

- (4) Where a council is elected biennially or triennially and a new board is established after the election of council to be organized in the second or third year of the term of council, the council shall provide for the election of trustees to hold office for one or two years, as the case may be, from the 1st day of January of the year in which the board is organized, and the election shall be held in the same manner as the election of trustees is held at municipal elections.

R.S.O. 1960, c. 361, s. 55, subs. 1, amended

**11.** Subsection 1 of section 55 of *The Schools Administration Act* is amended by inserting after "any" in the fifth line "linguistic", so that the subsection shall read as follows:

Classes which may be established

- (1) Subject to the regulations, a board may establish and conduct classes for children who, not being persons whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age, are from any linguistic, physical or mental cause unable to take proper advantage of the elementary or secondary school courses.

R.S.O. 1960, c. 361, s. 80, re-enacted

**12.** Section 80 of *The Schools Administration Act* is repealed and the following substituted therefor:

Inspectorates, number of

- 80.—(1) The Minister shall determine the number of inspectorates in Ontario, the limits of each inspectorate and the number of provincial inspectors to be appointed.

Provincial inspectors

- (2) Provincial inspectors shall be appointed by the Lieutenant Governor in Council upon the recommendation of the Minister.

R.S.O. 1960, c. 361, s. 81, re-enacted

**13.** Section 81 of *The Schools Administration Act*, as amended by section 10 of *The Schools Administration Amendment Act, 1964* and section 16 of *The Schools Administration Amendment Act, 1965*, is repealed and the following substituted therefor:

Municipal inspectors, public schools

- 81.—(1) Where the enrolment on the 30th day of September in any year of pupils in the public schools operated by a board in the classes where English is the language of instruction, or in the classes where,

SECTION 11. The amendment permits a board to establish classes for pupils whose knowledge of the English language is inadequate.

SECTIONS 12, 13 and 14. The provisions respecting supervisory officers are revised for the purposes of clarification.







with the approval of the Minister, both English and French are the languages of instruction, is 2,000 or more but less than 3,000, the board may request the Minister to designate the school section as a municipal inspectorate, and, if the request is granted, the school section shall become a municipal inspectorate for public school purposes on the 1st day of August of the following year and the board shall employ a school inspector in accordance with subsection 8.

- (2) Where the enrolment on the 30th day of September <sup>Idem</sup> in any year of pupils in the public schools operated by a board is 3,000 or more, of which at least 2,000 are either in the classes where English is the language of instruction, or in the classes where, with the approval of the Minister, both English and French are the languages of instruction, the school section shall become a municipal inspectorate for public school purposes on the 1st day of August of the following year and the board shall employ an adequate staff of school inspectors in accordance with subsection 8.
- (3) In the year 1968 and thereafter, where the enrolment <sup>Separate schools</sup> on the 30th day of September in any year of pupils in the separate schools in the classes where English is the language of instruction, or in the classes where, with the approval of the Minister, both English and French are the languages of instruction, operated by a board in a separate school zone is 2,000 or more but less than 3,000, the board may request the Minister to designate the zone as a municipal inspectorate for separate school purposes, and, if the request is granted, the zone shall become a municipal inspectorate for separate school purposes on the 1st day of August of the following year and the board shall employ a school inspector in accordance with subsection 8.
- (4) Where the enrolment on the 30th day of September <sup>Idem</sup> of pupils in the separate schools operated by a board in a separate school zone,
- (a) in the year 1965 was 40,000 or more;
  - (b) in the year 1966 is 10,000 or more; and
  - (c) in the year 1967 and thereafter is 3,000 or more, of which at least 2,000 are either in the classes where English is the language of

instruction, or in the classes where, with the approval of the Minister, both English and French are the languages of instruction,

the zone shall become a municipal inspectorate for separate school purposes on the 1st day of August of the following year and the board shall employ an adequate staff of school inspectors in accordance with subsection 8.

Secondary  
schools

- (5) Where the enrolment on the 30th day of September in any year of pupils in the secondary schools operated by a board is 3,000 or more, the board may request the Minister to designate the high school district as a municipal inspectorate for secondary school purposes, and, if the request is granted, the high school district shall become a municipal inspectorate for secondary school purposes on the 1st day of August of the following year and the board shall employ an adequate staff of school inspectors in accordance with subsection 8.

Director of  
education

- (6) Where the enrolment on the 30th day of September in any year of pupils in the public and secondary schools operated by a board of education is 2,000 or more, the board may request the Minister to designate the school section as a municipal inspectorate, and, if the request is granted, the school section shall become a municipal inspectorate on the 1st day of August of the following year and the board shall appoint a director of education who shall be qualified as required by the regulations and who, under the direction of the board, shall be in charge of the schools under the jurisdiction of the board.

Idem

- (7) On or after the 1st day of September, 1967, where the enrolment on the 30th day of September in any year of pupils in the public and secondary schools operated by a board of education becomes 3,000 or more, the school section shall become a municipal inspectorate on the 1st day of August of the following year and the board shall appoint a director of education who shall be qualified as required by the regulations and who, under the direction of the board, shall be in charge of the schools under the jurisdiction of the board.

Number of  
inspectors

- (8) Where a school section, separate school zone or high school district is a municipal inspectorate, the board of the section, zone or district in respect of,

- (a) elementary school classes where English is the language of instruction;
- (b) elementary school classes where, with the approval of the Minister, English and French are the languages of instruction; and
- (c) secondary school classes,

shall employ, before the 1st day of August of the year following the year in which the enrolment of pupils on the 30th day of September in the classes referred to in clause *a*, *b* or *c* in the schools operated by the board was,

- (d) 2,000 or more but less than 3,500, at least one inspector;
- (e) 3,500 or more but less than 7,000, at least two inspectors,

and at least one additional inspector in respect of each additional 7,000 pupils of enrolment on the 30th day of September in classes referred to in clause *a*, *b* or *c*, as the case may be.

- (9) Where a municipal inspectorate has been established <sup>Provincial inspection</sup> for a school section or separate school zone and the board has in its schools both,

- (a) elementary school classes where English is the language of instruction; and
- (b) elementary school classes where, with the approval of the Minister, English and French are the languages of instruction,

and the enrolment of pupils in either of the classes designated in clause *a* or *b* is less than 2,000, the Minister may provide for provincial inspection services for such classes.

- (10) Where a municipal inspectorate has been established <sup>Idem</sup> for a high school district, the Minister may provide provincial inspection services for secondary school classes.

**14.** Section 82 of *The Schools Administration Act*, as re-enacted by section 17 of *The Schools Administration Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 361, s. 82  
(1965, s. 17),  
re-enacted



Super-  
intendents

82.—(1) Where a board appoints one or more inspectors, the board,

- (a) shall, in the case of public and secondary schools, designate one of the inspectors as superintendent of public or secondary schools, as the case may be;
- (b) shall, in the case of separate school classes where English is the language of instruction, appoint one of the inspectors as superintendent of such classes, and, in classes where English and French are the languages of instruction, appoint a superintendent of such classes; and
- (c) may assign to the superintendent and to each inspector such administrative duties, in addition to those prescribed in the regulations, as the board deems expedient.

Appoint-  
ment and  
removal of  
directors,  
super-  
intendents

- (2) The appointment or removal of a director, assistant director, superintendent, assistant superintendent or inspector is not effective until approved by the Minister, and the provisions of this Part respecting the suspension or removal of an inspector apply *mutatis mutandis* to a director, assistant director, superintendent and assistant superintendent.

R.S.O. 1960,  
c. 361, s. 99,  
subs. 5,  
re-enacted

**15.** Subsection 5 of section 99 of *The Schools Administration Act* is repealed and the following substituted therefor:

Application  
to treasurers

- (5) This section applies also to treasurers who meet to apportion costs between parts of a union school section, parts of a county, district or township school area or parts of a secondary school district.

Commence-  
ment

**16.**—(1) This Act, except sections 2, 3, 9, 11, 12, 13 and 14, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 11, 12, 13 and 14 shall be deemed to have come into force on the 1st day of January, 1966.

Idem

(3) Section 9 comes into force on the 1st day of January, 1967.

Idem

(4) Sections 2 and 3 come into force on the 1st day of September, 1967.

Short title

**17.** This Act may be cited as *The Schools Administration Amendment Act, 1966*.

SECTION 15. Section 99 provides for the liability of the parties for costs of arbitrations and for the fees of arbitrators. Subsection 5 is amended to make such provisions applicable to treasurers where they are arbitrators to apportion the costs between parts of county and district school areas. The section is at present applicable to union school sections and township school areas.

An Act to amend  
The Schools Administration Act

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*1st Reading*

June 7th, 1966

*2nd Reading*

June 13th, 1966

*3rd Reading*

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MR. DAVIS

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(Reprinted as amended by the Committee  
on Education and University Affairs)  
(Corrected Reprint)



# BILL 151

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## An Act to amend The Schools Administration Act

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MR. DAVIS

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BILL 151

1966

## An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 23 of subsection 2 of section 1 of *The Schools Administration Act* is amended by striking out “on a daily basis” in the second line, so that the paragraph shall read as follows: R.S.O. 1960,  
c. 361, s. 1,  
subs. 2,  
par. 23,  
amended

23. “occasional teacher” means a teacher employed to teach as a substitute for a permanent, probationary or temporary teacher.

(2) Paragraph 32 of subsection 2 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 361, s. 1,  
subs. 2,  
par. 32,  
re-enacted

32. “rural school section” means a school section that comprises only territory without municipal organization.

(3) Paragraph 40 of subsection 2 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 361, s. 1,  
subs. 2,  
par. 40,  
re-enacted

40. “temporary teacher” means a person employed to teach under the authority of a letter of permission.

(4) Subsection 2 of the said section 1 is amended by adding thereto the following paragraph: R.S.O. 1960,  
c. 361, s. 1,  
subs. 2,  
amended

43. “urban school section” means an enlarged administrative area, a union school section or a school section that includes an urban municipality.

2. Section 3 and section 4, as amended by section 2 of *The Schools Administration Amendment Act, 1965*, of *The Schools Administration Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 361,  
ss. 3, 4,  
re-enacted

- School year 3.—(1) The school year for elementary and secondary schools consists of three terms.
- First term (2) The first or fall term commences on the day following Labour Day and ends on the 22nd day of December, but, when the 22nd day of December is a Monday, the first term ends on the preceding Friday.
- Second term (3) The second or winter term commences on the 3rd day of January and ends on the Friday preceding the 21st day of March, but, when the 3rd day of January is a Friday, the second term commences on the following Monday.
- Third term (4) The third or spring term commences on the second Monday following the end of the second term and ends on the 30th day of June, but, when the 30th day of June is a Monday or Tuesday, the third term ends on the preceding Friday.
- School holidays 4. The following days are school holidays:
1. Every Saturday and Sunday.
  2. Every day proclaimed a public holiday by the authorities of the municipality in which the school is situated.
  3. Every day upon which the school is closed under *The Emergency Measures Act, 1962-63*, *The Public Health Act* or *The Department of Education Act* or the regulations.
  4. A day approved by the inspector for a teachers' institute or conference.
  5. A day appointed by the Governor General or the Lieutenant Governor as a public holiday or for thanksgiving.
  6. The birthday of the reigning sovereign or the day fixed by proclamation of the Governor General for the celebration of the birthday of the reigning sovereign.
  7. Good Friday, Easter Monday, Victoria Day and Remembrance Day.
  8. Where under section 5 the school is open during July and August, Dominion Day and Labour Day.

1962-63,  
c. 41  
R.S.O. 1960,  
cc. 321, 94

**3.** Subsection 1 of section 5 of *The Schools Administration Act* is amended by striking out "Easter and" in the third line and inserting in lieu thereof "between the second and third terms and for", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 361, s. 5,  
subs. 1,  
amended

- (1) With the approval of the inspector, a rural elementary school board may substitute holidays in some other part of the year for part of the time allowed for between the second and third terms and for summer holidays to suit the convenience of pupils and teachers, but the same number of holidays shall be allowed in each year.

Rural  
areas

**4.**—(1) Clause *g* of subsection 1 of section 22 of *The Schools Administration Act*, as re-enacted by section 3 of *The Schools Administration Amendment Act, 1965*, is repealed.

R.S.O. 1960,  
c. 361, s. 22,  
subs. 1,  
cl. *g*  
(1965,  
c. 118, s. 3),  
repealed

(2) Subsection 2 of the said section 22, as amended by section 4 of *The Schools Administration Amendment Act, 1964*, is further amended by adding thereto the following clause:

R.S.O. 1960,  
c. 361, s. 22,  
subs. 2,  
amended

- (ba) to ensure that the attendance of pupils for every school day is recorded in the register supplied by the Minister in accordance with the instructions contained therein or in such other manner as is approved by the Minister.

attendance  
records

**5.** Paragraph 2 of section 34 of *The Schools Administration Act* is amended by striking out "an" in the second line and inserting in lieu thereof "a rural", so that the paragraph shall read as follows:

R.S.O. 1960,  
c. 361, s. 34,  
par. 2,  
amended

2. appoint a secretary and a treasurer or a secretary-treasurer, who, in the case of a rural elementary school board, may be a member of the board.

appoint  
secretary,  
treasurer

**6.** *The Schools Administration Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 361,  
amended

35b. A public school board or a high school board may enter into an agreement with any other board to provide for the other board,

Agreements  
to provide  
administra-  
tive accom-  
modation  
or sharing  
of teachers,  
etc.

- (a) accommodation for administrative purposes;  
or

- (b) the services of a psychiatrist, psychologist or teacher.



R.S.O. 1960,  
c. 361, s. 36  
(1964,  
c. 105, s. 8),  
subs. 1,  
amended

7.—(1) Subsection 1 of section 36 of *The Schools Administration Act*, as re-enacted by section 8 of *The Schools Administration Amendment Act, 1964*, is amended by striking out "with more than three trustees" in the first line, so that the first seven lines of the subsection shall read as follows:

Honorarium  
for trustees

- (1) A board may pay to each trustee, except trustees who are appointed to a board of education for secondary school purposes only, for each month an honorarium not exceeding an amount based on the average daily attendance of pupils in the schools operated by the board in the preceding year as follows:

. . . . .

R.S.O. 1960,  
c. 361, s. 36  
(1964,  
c. 105, s. 8),  
amended

(2) The said section 36, as amended by section 5 of *The Schools Administration Amendment Act, 1965*, is further amended by adding thereto the following subsection:

Chairman,  
additional  
honorarium

- (2a) A board may pay to its chairman, in addition to any honorarium that may be paid to him as trustee, an additional honorarium not exceeding 25 per cent of the honorarium that may be paid to him as trustee.

R.S.O. 1960,  
c. 361, s. 37,  
amended

8. Section 37 of *The Schools Administration Act*, as amended by section 9 of *The Schools Administration Amendment Act, 1964* and section 6 of *The Schools Administration Amendment Act, 1965*, is further amended by adding thereto the following subsections:

Idem

- (7) Where a pupil resides in a territorial district but not in a school section, a separate school zone or a high school district, with his parent or guardian in a residence that is fifteen miles or more by road or rail from a secondary school that he is eligible to attend, the board of the secondary school that he attends may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil board, lodging, and transportation once a week from his residence to school and return, in an amount not exceeding \$3 for each day of attendance as certified by the principal of the secondary school that the pupil attends.

Idem

- (8) Where a pupil resides in a high school district in a territorial district with his parent or guardian in a residence that is fifteen miles or more by road or rail from a secondary school that he attends under section 66 or that he has a right to attend under section



68 of *The Secondary Schools and Boards of Education Act*, the secondary school board of the high school district of which he is a resident pupil may, in lieu of providing daily transportation to and from the secondary school that he attends, reimburse the parent or guardian at the end of each month for the cost of providing for such pupil board, lodging, and transportation once a week from his residence to school and return, in an amount not exceeding \$3 for each day of attendance as certified by the principal of the secondary school that the pupil attends. R.S.O. 1960,  
c. 362

**9.** *The Schools Administration Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 361,  
amended

44a. A trustee of a board, with the consent of a majority of the trustees present at a meeting, entered upon the minutes of it, may resign as trustee, but he shall not vote on a motion as to his own resignation and may not resign as trustee if his resignation will reduce the number of trustees of the board to less than a quorum. Resignation  
of trustees

**10.** Section 54 of *The Schools Administration Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 361, s. 54,  
re-enacted

54.—(1) Notwithstanding any other Act, where the council of a municipality is required to conduct the election of trustees for a board and biennial or triennial elections have been provided for members of council, the trustees shall be elected biennially or triennially in the same year as the members of council and shall hold office for two or three years, as the case may be. Biennial or  
triennial  
elections

(2) All elected trustees in office in the year in which the nomination meeting is to be held in respect of the first biennial or triennial election of trustees cease to hold office at the end of that year. Trustees in  
office before  
first biennial  
or triennial  
election

(3) Where a board has jurisdiction in more than one municipality and the election of members of council of the municipality that is responsible for conducting the nominations and elections of trustees has annual elections and one or more of the other municipalities has biennial or triennial elections for members of council, each municipality having biennial or triennial elections shall make provision for the nomina- Where a  
responsible  
municipality  
has annual  
elections and  
another  
municipality  
in same  
school  
section has  
biennial or  
triennial  
elections

tion and election of trustees in the municipality for the year in which elections are not held for members of council of that municipality.

Formation of school board during biennial or triennial term of council

- (4) Where a council is elected biennially or triennially and a new board is established after the election of council to be organized in the second or third year of the term of council, the council shall provide for the election of trustees to hold office for one or two years, as the case may be, from the 1st day of January of the year in which the board is organized, and the election shall be held in the same manner as the election of trustees is held at municipal elections.

R.S.O. 1960, c. 361, s. 55, subs. 1, amended

**11.** Subsection 1 of section 55 of *The Schools Administration Act* is amended by inserting after "any" in the fifth line "linguistic", so that the subsection shall read as follows:

Classes which may be established

- (1) Subject to the regulations, a board may establish and conduct classes for children who, not being persons whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age, are from any linguistic, physical or mental cause unable to take proper advantage of the elementary or secondary school courses.

R.S.O. 1960, c. 361, s. 80, re-enacted

**12.** Section 80 of *The Schools Administration Act* is repealed and the following substituted therefor:

Inspectorates, number of

- 80.—(1) The Minister shall determine the number of inspectorates in Ontario, the limits of each inspectorate and the number of provincial inspectors to be appointed.

Provincial inspectors

- (2) Provincial inspectors shall be appointed by the Lieutenant Governor in Council upon the recommendation of the Minister.

R.S.O. 1960, c. 361, s. 81, re-enacted

**13.** Section 81 of *The Schools Administration Act*, as amended by section 10 of *The Schools Administration Amendment Act, 1964* and section 16 of *The Schools Administration Amendment Act, 1965*, is repealed and the following substituted therefor:

Municipal inspectors, public schools

- 81.—(1) Where the enrolment on the 30th day of September in any year of pupils in the public schools operated by a board in the classes where English is the language of instruction, or in the classes where,

with the approval of the Minister, both English and French are the languages of instruction, is 2,000 or more but less than 3,000, the board may request the Minister to designate the school section as a municipal inspectorate, and, if the request is granted, the school section shall become a municipal inspectorate for public school purposes on the 1st day of August of the following year and the board shall employ a school inspector in accordance with subsection 8.

- (2) Where the enrolment on the 30th day of September <sup>Idem</sup> in any year of pupils in the public schools operated by a board is 3,000 or more, of which at least 2,000 are either in the classes where English is the language of instruction, or in the classes where, with the approval of the Minister, both English and French are the languages of instruction, the school section shall become a municipal inspectorate for public school purposes on the 1st day of August of the following year and the board shall employ an adequate staff of school inspectors in accordance with subsection 8.
- (3) In the year 1968 and thereafter, where the enrolment <sup>Separate schools</sup> on the 30th day of September in any year of pupils in the separate schools in the classes where English is the language of instruction, or in the classes where, with the approval of the Minister, both English and French are the languages of instruction, operated by a board in a separate school zone is 2,000 or more but less than 3,000, the board may request the Minister to designate the zone as a municipal inspectorate for separate school purposes, and, if the request is granted, the zone shall become a municipal inspectorate for separate school purposes on the 1st day of August of the following year and the board shall employ a school inspector in accordance with subsection 8.
- (4) Where the enrolment on the 30th day of September <sup>Idem</sup> of pupils in the separate schools operated by a board in a separate school zone,
  - (a) in the year 1965 was 40,000 or more;
  - (b) in the year 1966 is 10,000 or more; and
  - (c) in the year 1967 and thereafter is 3,000 or more, of which at least 2,000 are either in the classes where English is the language of



instruction, or in the classes where, with the approval of the Minister, both English and French are the languages of instruction,

the zone shall become a municipal inspectorate for separate school purposes on the 1st day of August of the following year and the board shall employ an adequate staff of school inspectors in accordance with subsection 8.

Secondary  
schools

- (5) Where the enrolment on the 30th day of September in any year of pupils in the secondary schools operated by a board is 3,000 or more, the board may request the Minister to designate the high school district as a municipal inspectorate for secondary school purposes, and, if the request is granted, the high school district shall become a municipal inspectorate for secondary school purposes on the 1st day of August of the following year and the board shall employ an adequate staff of school inspectors in accordance with subsection 8.

Director of  
education

- (6) Where the enrolment on the 30th day of September in any year of pupils in the public and secondary schools operated by a board of education is 2,000 or more, the board may request the Minister to designate the school section as a municipal inspectorate, and, if the request is granted, the school section shall become a municipal inspectorate on the 1st day of August of the following year and the board shall appoint a director of education who shall be qualified as required by the regulations and who, under the direction of the board, shall be in charge of the schools under the jurisdiction of the board.

Idem

- (7) On or after the 1st day of September, 1967, where the enrolment on the 30th day of September in any year of pupils in the public and secondary schools operated by a board of education becomes 3,000 or more, the school section shall become a municipal inspectorate on the 1st day of August of the following year and the board shall appoint a director of education who shall be qualified as required by the regulations and who, under the direction of the board, shall be in charge of the schools under the jurisdiction of the board.

Number of  
inspectors

- (8) Where a school section, separate school zone or high school district is a municipal inspectorate, the board of the section, zone or district in respect of,

(a) elementary school classes where English is the language of instruction;

(b) elementary school classes where, with the approval of the Minister, English and French are the languages of instruction; and

(c) secondary school classes,

shall employ, before the 1st day of August of the year following the year in which the enrolment of pupils on the 30th day of September in the classes referred to in clause *a*, *b* or *c* in the schools operated by the board was,

(d) 2,000 or more but less than 3,500, at least one inspector;

(e) 3,500 or more but less than 7,000, at least two inspectors,

and at least one additional inspector in respect of each additional 7,000 pupils of enrolment on the 30th day of September in classes referred to in clause *a*, *b* or *c*, as the case may be.

(9) Where a municipal inspectorate has been established <sup>Provincial inspection</sup> for a school section or separate school zone and the board has in its schools both,

(a) elementary school classes where English is the language of instruction; and

(b) elementary school classes where, with the approval of the Minister, English and French are the languages of instruction,

and the enrolment of pupils in either of the classes designated in clause *a* or *b* is less than 2,000, the Minister may provide for provincial inspection services for such classes.

(10) Where a municipal inspectorate has been established <sup>Idem</sup> for a high school district, the Minister may provide provincial inspection services for secondary school classes.

**14.** Section 82 of *The Schools Administration Act*, as re-enacted by section 17 of *The Schools Administration Amendment Act, 1965*, is repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 361, s. 82 (1965, c. 118, s. 17), re-enacted</sup>

Super-  
intendents

82.—(1) Where a board appoints one or more inspectors, the board,

- (a) shall, in the case of public and secondary schools, designate one of the inspectors as superintendent of public or secondary schools, as the case may be;
- (b) shall, in the case of separate school classes where English is the language of instruction, appoint one of the inspectors as superintendent of such classes, and, in classes where English and French are the languages of instruction, appoint a superintendent of such classes; and
- (c) may assign to the superintendent and to each inspector such administrative duties, in addition to those prescribed in the regulations, as the board deems expedient.

Appoint-  
ment and  
removal of  
directors,  
super-  
intendents

- (2) The appointment or removal of a director, assistant director, superintendent, assistant superintendent or inspector is not effective until approved by the Minister, and the provisions of this Part respecting the suspension or removal of an inspector apply *mutatis mutandis* to a director, assistant director, superintendent and assistant superintendent.

R.S.O. 1960,  
c. 361, s. 99,  
subs. 5,  
re-enacted

**15.** Subsection 5 of section 99 of *The Schools Administration Act* is repealed and the following substituted therefor:

Application  
to treasurers

- (5) This section applies also to treasurers who meet to apportion costs between parts of a union school section, parts of a county, district or township school area or parts of a secondary school district.

Commence-  
ment

**16.**—(1) This Act, except sections 2, 3, 9, 11, 12, 13 and 14, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 11, 12, 13 and 14 shall be deemed to have come into force on the 1st day of January, 1966.

Idem

(3) Section 9 comes into force on the 1st day of January, 1967.

Idem

(4) Sections 2 and 3 come into force on the 1st day of September, 1967.

Short title

**17.** This Act may be cited as *The Schools Administration Amendment Act, 1966*.









An Act to amend  
The Schools Administration Act

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*1st Reading*

June 7th, 1966

*2nd Reading*

June 13th, 1966

*3rd Reading*

June 23rd, 1966

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MR. DAVIS

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# **BILL 152**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Separate Schools Act**

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**MR. DAVIS**

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#### EXPLANATORY NOTES

SECTION 1. The amendment is necessary because of the change in the definition of rural school section in *The Public Schools Act*, which, as changed, will apply only to school sections in territory without municipal organization.

SECTION 2. The amendment is to make the subsection consistent with subsection 1 of section 100a of *The Schools Administration Act*, which provides for uniform fees.



# BILL 152 enacted 1966 1966

## An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *da* of section 17 of *The Separate Schools Act*, as enacted by section 1 of *The Separate Schools Amendment Act, 1962-63*, is amended by striking out "rural school section" in the second and third lines and inserting in lieu thereof "school section in one or more townships", so that the clause shall read as follows: R.S.O. 1960,  
c. 368, s. 17,  
cl. *da*  
(1962-63,  
c. 132, s. 1),  
amended

(*da*) "rural separate school zone" means a separate school zone established under section 18 in a school section in one or more townships or under section 21 in territory without municipal organization.

2. Subsection 12*a* of section 22 of *The Separate Schools Act*, as enacted by section 2 of *The Separate Schools Amendment Act, 1964*, is amended by striking out "the gross cost per pupil per day for the preceding year" in the eleventh and twelfth lines and inserting in lieu thereof "that calculated in accordance with subsection 1 of section 100*a* of *The Schools Administration Act*", so that the subsection shall read as follows: R.S.O. 1960,  
c. 368, s. 22,  
subs. 12*a*  
(1964,  
c. 108, s. 2),  
amended

(12*a*) A separate school board and a public school board may by agreement provide that, where accommodation is available in the schools operated by the public school board, as certified by the public school inspector, the public school board shall furnish education in such course or courses as are not available in the separate schools operated by the separate school board for part or all of the pupils of such separate schools, and the separate school board shall pay to the public school board for each of such pupils a fee not in excess of that calculated in accordance with subsection 1 of section 100*a* of *The Schools Administration Act*. Agreements  
between  
public and  
separate  
school  
boards  
  
R.S.O. 1960,  
c. 361

R.S.O. 1960,  
c. 368, s. 24,  
subs. 3,  
repealed

**3.** Subsection 3 of section 24 of *The Separate Schools Act* is repealed.

R.S.O. 1960,  
c. 368, s. 27,  
subs. 19,  
amended

**4.** Subsection 19 of section 27 of *The Separate Schools Act* is amended by inserting after "time" in the third line "the inspector or", so that the subsection shall read as follows:

Meetings to  
be called  
in default  
of first  
or annual  
meetings

- (19) If from want of proper notice or other cause any meeting for the election of trustees is not held at the proper time, the inspector or any two supporters of the school may call a meeting by giving six days notice posted up in at least three of the most public places in the locality in which the school is situate, and the meeting thus called has all the powers and shall perform all the duties of the meeting in the place of which it is called.

R.S.O. 1960,  
c. 368, s. 32,  
subs. 1a  
(1961-62,  
c. 132, s. 4,  
subs. 1),  
re-enacted

**5.—(1)** Subsection 1a of section 32 of *The Separate Schools Act*, as enacted by subsection 1 of section 4 of *The Separate Schools Amendment Act, 1961-62* and amended by subsection 2 of section 5 of *The Separate Schools Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Adjustment  
of rights

- (1a) In order to adjust the rights and claims of the combining boards, the supporters of any school may offer to assume and may assume a differential in rates for a stated period of time.

R.S.O. 1960,  
c. 368, s. 32,  
subs. 2a  
(1961-62,  
c. 132, s. 4,  
subs. 1),  
amended

(2) Subsection 2a of the said section 32, as enacted by subsection 1 of section 4 of *The Separate Schools Amendment Act, 1961-62*, is amended by striking out "and" in the seventh line and inserting in lieu thereof "in December and at such", so that the subsection shall read as follows:

First  
election of  
trustees

- (2a) For the purpose of electing the first trustees for a combined separate school, the boards of the separate schools forming the combined separate school shall, before the 1st day of December, each appoint a person to a committee, which shall call a meeting of the supporters of the separate schools for the purpose of electing trustees at such time in December and at such place as the committee may determine.

R.S.O. 1960,  
c. 368, s. 32,  
amended

(3) The said section 32 is amended by adding thereto the following subsection:

Trustees

- (2b) Where a combined separate school is formed or where another separate school is added to or detached from a combined separate school, the trustees in office shall retire on the 1st day of January following the

SECTION 3. The provision relating to the resignation of trustees is repealed. Resignations are now to be dealt with in a uniform manner for all trustees under section 44a of *The Schools Administration Act*.

SECTION 4. The amendment is to permit the inspector to call a meeting for the election of trustees if for any reason such meeting has not been called.

SECTION 5—Subsection 1. The amendment is to provide for a differential in the rates of boards comprising a newly-formed combined separate school by reason of the necessity to adjust rights and claims of the school boards to be combined.

Subsection 2. The amendment will require the first election of trustees for a combined separate school to be held in December in the year in which the combined separate school is formed.

Subsection 3. The amendment provides that trustees of separate schools that are to be combined into a combined separate school shall hold office until the 1st day of January following the election of trustees for the combined separate school. They are at present required to retire on the day of nomination for trustees for the combined separate school.

SECTION 6. The amendment is to provide that a special meeting of supporters for the selection of a school site is required only in a rural separate school zone.

SECTION 7. The subsection is no longer necessary as it refers to subsection 8 of section 38, which has been repealed.

SECTION 8. The new section provides for the co-operative use of administrative accommodation and advisory and teaching personnel by separate school boards.

SECTION 9. The amendment requires the separate school inspector in a township to furnish a map showing the boundaries of zones in the township to the assessor as well as to the clerk of the township.

SECTION 10. The amendment is to make the section consistent with the power of a board to require the municipality to levy and collect rates in section 45.



election of trustees of the combined separate school, and, subject to subsection 6, five trustees shall be elected by the supporters of the newly-created or altered combined separate school as provided in section 27.

**6.** Subsection 1 of section 33 of *The Separate Schools Act* is amended by inserting after "board" in the first line "of a rural separate school zone", so that the subsection shall read as follows: R.S.O. 1960,  
c. 368, s. 33,  
subs. 1,  
amended

- (1) The board of a rural separate school zone has power to select a site for a new schoolhouse or to agree upon a change of site for an existing schoolhouse, and shall forthwith call a special meeting of the supporters of the school to consider the site selected, and no site shall be adopted or change of school site made, except in the manner hereinafter provided, without the consent of the majority of such special meeting. Selection  
or change  
of school  
site

**7.** Subsection 2 of section 44 of *The Separate Schools Act* is repealed. R.S.O. 1960,  
c. 368, s. 44,  
subs. 2,  
repealed

**8.** *The Separate Schools Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 368,  
amended

45a. A separate school board may enter into an agreement with any other separate school board to provide for the other board, Agreements  
to provide  
administra-  
tive accom-  
modation or  
sharing of  
teachers, etc.

(a) accommodation for administrative purposes;  
or

(b) the services of a psychiatrist, psychologist or teacher.

**9.** Subclause ii of clause *e* of subsection 11 of section 48 of *The Separate Schools Act*, as re-enacted by section 8 of *The Separate Schools Amendment Act, 1962-63*, is amended by inserting after "clerk" in the first line "and assessor", so that the subclause shall read as follows: R.S.O. 1960,  
c. 368, s. 48  
(1962-63,  
s. 132, s. 8),  
subs. 11,  
cl. *e*,  
subcl. ii,  
amended

- (ii) to the township clerk and assessor, a map showing the zone boundaries within the township and a description of each zone, and

**10.** Subsection 1 of section 62 of *The Separate Schools Act* is amended by striking out "at or before the meeting of the council in the month of February in any year or prior thereto" R.S.O. 1960,  
c. 368, s. 62,  
subs. 1,  
amended

if required by the council" in the second and third lines and inserting in lieu thereof "on or before the 1st day of February in any year", so that the subsection shall read as follows:

Collection  
of separate  
school rates  
by the  
municipality

- (1) A municipal council, if so requested by the board on or before the 1st day of February in any year, shall, through its collectors and other municipal officers, cause to be levied in such year upon the taxable property liable to pay the same all sums of money for rates or taxes imposed thereon in respect of separate schools.

Commence-  
ment

**11.—**(1) This Act, except sections 2 and 3, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 shall be deemed to have come into force on the 1st day of January, 1966.

Idem

(3) Section 3 comes into force on the 1st day of January, 1967.

Short title

**12.** This Act may be cited as *The Separate Schools Amendment Act, 1966*.









An Act to amend The Separate Schools Act

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*1st Reading*

June 7th, 1966

*2nd Reading*

*3rd Reading*

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MR. DAVIS

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# **BILL 152**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Separate Schools Act**

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**MR. DAVIS**

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## BILL 152 1966

## An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *da* of section 17 of *The Separate Schools Act*, as enacted by section 1 of *The Separate Schools Amendment Act, 1962-63*, is amended by striking out "rural school section" in the second and third lines and inserting in lieu thereof "school section in one or more townships", so that the clause shall read as follows:

R.S.O. 1960,  
c. 368, s. 17,  
cl. *da*  
(1962-63,  
c. 132, s. 1),  
amended

(*da*) "rural separate school zone" means a separate school zone established under section 18 in a school section in one or more townships or under section 21 in territory without municipal organization.

2. Subsection 12*a* of section 22 of *The Separate Schools Act*, as enacted by section 2 of *The Separate Schools Amendment Act, 1964*, is amended by striking out "the gross cost per pupil per day for the preceding year" in the eleventh and twelfth lines and inserting in lieu thereof "that calculated in accordance with subsection 1 of section 100*a* of *The Schools Administration Act*", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 368, s. 22,  
subs. 12*a*  
(1964,  
c. 108, s. 2),  
amended

(12*a*) A separate school board and a public school board may by agreement provide that, where accommodation is available in the schools operated by the public school board, as certified by the public school inspector, the public school board shall furnish education in such course or courses as are not available in the separate schools operated by the separate school board for part or all of the pupils of such separate schools, and the separate school board shall pay to the public school board for each of such pupils a fee not in excess of that calculated in accordance with subsection 1 of section 100*a* of *The Schools Administration Act*.

Agreements  
between  
public and  
separate  
school  
boards  
  
R.S.O. 1960,  
c. 361

R.S.O. 1960,  
c. 368, s. 24,  
subs. 3,  
repealed

**3.** Subsection 3 of section 24 of *The Separate Schools Act* is repealed.

R.S.O. 1960,  
c. 368, s. 27,  
subs. 19,  
amended

**4.** Subsection 19 of section 27 of *The Separate Schools Act* is amended by inserting after "time" in the third line "the inspector or", so that the subsection shall read as follows:

Meetings to  
be called  
in default  
of first  
or annual  
meetings

- (19) If from want of proper notice or other cause any meeting for the election of trustees is not held at the proper time, the inspector or any two supporters of the school may call a meeting by giving six days notice posted up in at least three of the most public places in the locality in which the school is situate, and the meeting thus called has all the powers and shall perform all the duties of the meeting in the place of which it is called.

R.S.O. 1960,  
c. 368, s. 32,  
subs. 1a  
(1961-62,  
c. 132, s. 4,  
subs. 1),  
re-enacted

**5.—(1)** Subsection 1a of section 32 of *The Separate Schools Act*, as enacted by subsection 1 of section 4 of *The Separate Schools Amendment Act, 1961-62* and amended by subsection 2 of section 5 of *The Separate Schools Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Adjustment  
of rights

- (1a) In order to adjust the rights and claims of the combining boards, the supporters of any school may offer to assume and may assume a differential in rates for a stated period of time.

R.S.O. 1960,  
c. 368, s. 32,  
subs. 2a  
(1961-62,  
c. 132, s. 4,  
subs. 1),  
amended

(2) Subsection 2a of the said section 32, as enacted by subsection 1 of section 4 of *The Separate Schools Amendment Act, 1961-62*, is amended by striking out "and" in the seventh line and inserting in lieu thereof "in December and at such", so that the subsection shall read as follows:

First  
election of  
trustees

- (2a) For the purpose of electing the first trustees for a combined separate school, the boards of the separate schools forming the combined separate school shall, before the 1st day of December, each appoint a person to a committee, which shall call a meeting of the supporters of the separate schools for the purpose of electing trustees at such time in December and at such place as the committee may determine.

R.S.O. 1960,  
c. 368, s. 32,  
amended

(3) The said section 32 is amended by adding thereto the following subsection:

Trustees

- (2b) Where a combined separate school is formed or where another separate school is added to or detached from a combined separate school, the trustees in office shall retire on the 1st day of January following the

election of trustees of the combined separate school, and, subject to subsection 6, five trustees shall be elected by the supporters of the newly-created or altered combined separate school as provided in section 27.

**6.** Subsection 1 of section 33 of *The Separate Schools Act* is amended by inserting after "board" in the first line "of a rural separate school zone", so that the subsection shall read as follows: R.S.O. 1960,  
c. 368, s. 33,  
subs. 1,  
amended

- (1) The board of a rural separate school zone has power to select a site for a new schoolhouse or to agree upon a change of site for an existing schoolhouse, and shall forthwith call a special meeting of the supporters of the school to consider the site selected, and no site shall be adopted or change of school site made, except in the manner hereinafter provided, without the consent of the majority of such special meeting. Selection  
or change  
of school  
site

**7.** Subsection 2 of section 44 of *The Separate Schools Act* is repealed. R.S.O. 1960,  
c. 368, s. 44,  
subs. 2,  
repealed

**8.** *The Separate Schools Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 368,  
amended

45a. A separate school board may enter into an agreement with any other separate school board to provide for the other board, Agreements  
to provide  
administra-  
tive accom-  
modation or  
sharing of  
teachers, etc.

(a) accommodation for administrative purposes;  
or

(b) the services of a psychiatrist, psychologist or teacher.

**9.** Subclause ii of clause *e* of subsection 11 of section 48 of *The Separate Schools Act*, as re-enacted by section 8 of *The Separate Schools Amendment Act, 1962-63*, is amended by inserting after "clerk" in the first line "and assessor", so that the subclause shall read as follows: R.S.O. 1960,  
c. 368, s. 48  
(1962-63,  
c. 132, s. 8),  
subs. 11,  
cl. e,  
subcl. ii,  
amended

- (ii) to the township clerk and assessor, a map showing the zone boundaries within the township and a description of each zone, and

**10.** Subsection 1 of section 62 of *The Separate Schools Act* is amended by striking out "at or before the meeting of the council in the month of February in any year or prior thereto" R.S.O. 1960,  
c. 368, s. 62,  
subs. 1,  
amended



if required by the council" in the second and third lines and inserting in lieu thereof "on or before the 1st day of February in any year", so that the subsection shall read as follows:

Collection  
of separate  
school rates  
by the  
municipality

- (1) A municipal council, if so requested by the board on or before the 1st day of February in any year, shall, through its collectors and other municipal officers, cause to be levied in such year upon the taxable property liable to pay the same all sums of money for rates or taxes imposed thereon in respect of separate schools.

Commence-  
ment

**11.**—(1) This Act, except sections 2 and 3, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 shall be deemed to have come into force on the 1st day of January, 1966.

Idem

(3) Section 3 comes into force on the 1st day of January, 1967.

Short title

**12.** This Act may be cited as *The Separate Schools Amendment Act, 1966*.



An Act to amend The Separate Schools Act

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*1st Reading*

June 7th, 1966

*2nd Reading*

June 13th, 1966

*3rd Reading*

June 23rd, 1966

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Mr. DAVIS

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# **BILL 153**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Department of Education Act**

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**MR. DAVIS**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

#### EXPLANATORY NOTES

SECTION 1. The amendment is to provide for the attendance of pupils who are enrolled in experimental courses, beginning in April, 1966, at a university or polytechnical institute.

SECTION 2. The provisions respecting the use of text-books and reference books by pupils are transferred from section 10 of the Act to section 12. The Minister is authorized by paragraph 33 of subsection 1 of section 12 to make regulations governing the selection and approval of text-books, library books and reference books for use in Grades 1 to 13.

SECTION 3. See note to section 2.

BILL 153

1966

## An Act to amend The Department of Education Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 5 of *The Department of Education Act*, as amended by section 1 of *The Department of Education Amendment Act, 1964*, is further amended by adding "or" at the end of clause *d* and by adding thereto the following clause:

R.S.O. 1960,  
c. 94, s. 5,  
amended

- (*e*) who, under the terms of an arrangement approved by the Minister, were absent from a secondary school because of their early enrolment at a university or polytechnical institute in Ontario.

**2.**—(1) Clause *d* of subsection 2 of section 10 of *The Department of Education Act* is amended by striking out "pupils" in the second line, so that the clause shall read as follows:

R.S.O. 1960,  
c. 94, s. 10,  
subs. 2,  
cl. *d*,  
amended

- (*d*) recommend reference books and library books for use by teachers and teachers-in-training.

text and  
reference  
books

(2) Clause *e* of subsection 2 of the said section 10 is amended by striking out "Grade 13" in the first line, so that the clause shall read as follows:

R.S.O. 1960,  
c. 94, s. 10,  
subs. 2,  
cl. *e*,  
amended

- (*e*) approve text-books for use in teachers' colleges and provincial technical and polytechnical institutes.

idem

**3.** Paragraph 33 of subsection 1 of section 12 of *The Department of Education Act*, as amended by subsection 2 of section 3 of *The Department of Education Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 94, s. 12,  
subs. 1,  
par. 33,  
re-enacted

33. governing the selection and approval of text-books, library books and reference books for use in Grades 1 to 13 inclusive.

approve  
books

Commence-  
ment

**4.**—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1966.

Short title

**5.** This Act may be cited as *The Department of Education Amendment Act, 1966*.









An Act to amend  
The Department of Education Act

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*1st Reading*

June 7th, 1966

*2nd Reading*

*3rd Reading*

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MR. DAVIS

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# **BILL 153**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Department of Education Act**

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**MR. DAVIS**

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**BILL 153** **1966**

**An Act to amend  
The Department of Education Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 5 of *The Department of Education Act*, as amended by section 1 of *The Department of Education Amendment Act, 1964*, is further amended by adding "or" at the end of clause *d* and by adding thereto the following clause:

R.S.O. 1960,  
c. 94, s. 5,  
amended

- (*e*) who, under the terms of an arrangement approved by the Minister, were absent from a secondary school because of their early enrolment at a university or polytechnical institute in Ontario.

**2.—**(1) Clause *d* of subsection 2 of section 10 of *The Department of Education Act* is amended by striking out "pupils" in the second line, so that the clause shall read as follows:

R.S.O. 1960,  
c. 94, s. 10,  
subs. 2,  
cl. *d*,  
amended

- (*d*) recommend reference books and library books for use by teachers and teachers-in-training.

text and  
reference  
books

(2) Clause *e* of subsection 2 of the said section 10 is amended by striking out "Grade 13" in the first line, so that the clause shall read as follows:

R.S.O. 1960,  
c. 94, s. 10,  
subs. 2,  
cl. *e*,  
amended

- (*e*) approve text-books for use in teachers' colleges and provincial technical and polytechnical institutes.

idem

**3.** Paragraph 33 of subsection 1 of section 12 of *The Department of Education Act*, as amended by subsection 2 of section 3 of *The Department of Education Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 94, s. 12,  
subs. 1,  
par. 33,  
re-enacted

33. governing the selection and approval of text-books, library books and reference books for use in Grades 1 to 13 inclusive.

approve  
books

Commence-  
ment

**4.**—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1966.

Short title

**5.** This Act may be cited as *The Department of Education Amendment Act, 1966*.









An Act to amend  
The Department of Education Act

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*1st Reading*

June 7th, 1966

*2nd Reading*

June 13th, 1966

*3rd Reading*

June 23rd, 1966

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MR. DAVIS

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# **BILL 154**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Public Schools Act**

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**MR. DAVIS**

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#### EXPLANATORY NOTES

SECTION 1. The special provisions with respect to the selection of a school site in a rural school section are repealed as obsolete.

SECTION 2. Section 11 is re-enacted to delete the provisions dealing with rural school sections in townships. These provisions are no longer necessary with the formation of township school areas in all townships.

SECTION 3—Subsection 1. At present, a county school area may include all of one or more municipalities in an adjoining county. The provision is amended to permit the inclusion of part or all of one or more municipalities as recommended by the consultative committee.

The time for passing an assenting resolution is extended from sixty to ninety days.

Subsection 2. Subsection 7a requires the consent of a city or separated town for the inclusion of the city or town in a county school area.



## An Act to amend The Public Schools Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The Public Schools Act* is repealed. R.S.O. 1960,  
c. 330, s. 10,  
repealed
2. Section 11 of *The Public Schools Act*, as amended by section 2 of *The Public Schools Amendment Act, 1960-61*, R.S.O. 1960,  
c. 330, s. 11,  
re-enacted is repealed and the following substituted therefor:
  - 11.—(1) Where the land of any person is situate within the limits of two or more school sections, the parts so situate shall be assessed upon the assessment roll separately according to the divisions of the school sections within the limits of which the parts are situate. Assessment  
of land  
in each  
school  
section
  - (2) All parts of a school section, except those parts of a township school area or district school area that are in territory without municipal organization, shall be adjoining. Parts of  
section to be  
adjoining
- 3.—(1) Subsection 7 of section 13 of *The Public Schools Act*, as re-enacted by section 3 of *The Public Schools Amendment Act, 1964*, R.S.O. 1960,  
c. 330, s. 13  
(1964, c. 95,  
s. 3),  
subs. 7,  
re-enacted is repealed and the following substituted therefor:
  - (7) The council of a county may, by by-law passed before the 1st day of July in any year, include in a county school area, as recommended by the consultative committee, all or part of one or more municipalities in an adjoining county or counties if the council or councils of the adjoining county or counties, by resolution, consent thereto within ninety days after the passing of the by-law. Municipalities in  
adjoining  
counties
- (2) The said section 13 is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 330, s. 13  
(1964, c. 95,  
s. 3),  
amended

Where city  
or separated  
town in-  
cluded in  
county  
school area

- (7a) Where a by-law passed under subsection 6, 6a or 7 includes all or part of a city or separated town in a county school area, the by-law is not effective unless the council of the city or separated town, by resolution, consents thereto within ninety days after the passing of the by-law.

R.S.O. 1960,  
c. 330, s. 13  
(1964,  
c. 95, s. 3),  
subs. 9,  
amended

- (3) Subsection 9 of the said section 13 is amended by inserting after "6" in the first line "or 6a", so that the subsection shall read as follows:

Dissolution  
of boards

- (9) When a by-law passed under subsection 6 or 6a comes into force, every school section that is wholly included in the county school area ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the county school area.

R.S.O. 1960,  
c. 330, s. 13,  
subs. 11  
(1965,  
c. 109, s. 5,  
subs. 4),  
amended

- (4) Subsection 11 of the said section 13, as re-enacted by subsection 4 of section 5 of *The Public Schools Amendment Act, 1965*, is amended by inserting after "Act" in the fifth line "which subsections apply *mutatis mutandis*", so that the subsection, exclusive of the clauses, shall read as follows:

Board,  
composition

- (11) There shall be a board of public school trustees for every county school area, which shall consist of the number of elected trustees provided for boards of education under subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*, which subsections apply *mutatis mutandis*, provided that,

R.S.O. 1960,  
c. 362

- (5) The said section 13 is further amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 330, s. 13  
(1964,  
c. 95, s. 3),  
amended

Election  
where  
Minister  
determines  
representa-  
tion

- (11a) Where the Minister determines that two or more municipalities or any part or parts thereof shall be combined for the purposes of the election of one or more trustees, such trustee or trustees shall be elected by the general vote of the persons qualified to vote for public school trustees in such combined area, and,

- (a) the nominations for such trustees shall be conducted by the returning officer of the municipality having the greatest assessment for public school purposes in the combined area and shall be held at the same time and place as nominations for municipal councillors in that municipality;

Subsection 3. Subsection 9 now applies in relation to by-laws establishing county school areas. It is amended to apply also in relation to by-laws altering county school areas.

Subsection 4. The amendment is to make it clear that the provisions of section 55 of *The Secondary Schools and Boards of Education Act* providing for representation are to be applied in relation to county school area boards and the population in county school areas.

Subsection 5. Under subsection 11, where the number of trustees would be fewer than five or more than nine, the Minister, on the request of the county council, may determine the number of trustees and the municipality or municipalities to be represented by each trustee. The new subsection 11a provides for the election of such trustees where two or more municipalities or parts thereof are to be represented by one or more trustees.

Subsection 6. County school areas are classed as enlarged administrative areas to differentiate them from urban school sections.

SECTION 4—Subsection 1. Clause *a* is revised to permit district school areas to include parts of municipalities and territory without municipal organization.

Subsection 2. Subsection 9 is re-enacted to provide for the formation of a district school area where the councils and boards representing 90 per cent of the public school assessment in the proposed district school area are in favour.



(b) the election of such trustees shall take place in each municipality during the same hours and on the same day as the annual municipal elections in the municipality in which the nominations were held in the same manner as nearly as may be as the election of municipal councillors; and

(c) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the clerk of the municipality in which the nominations were held, who shall prepare the final summary and announcement of the vote and shall notify the board in writing of his determination.

(6) Subsection 14 of the said section 13 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 330, s. 13  
(1964,  
c. 95, s. 3),  
subs. 14,  
re-enacted

(14) Every county school area is an enlarged administrative area.

Enlarged  
adminis-  
trative area

4.—(1) Clause *a* of subsection 6 of section 14 of *The Public Schools Act*, as re-enacted by section 3 of *The Public Schools Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 330, s. 14  
(1964,  
c. 95, s. 3),  
subs. 6,  
cl. *a*,  
re-enacted

(a) the desirability of establishing or enlarging district school areas comprising part or all of two or more municipalities, school sections or territory without municipal organization; and

(2) Subsection 9 of the said section 14 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 330, s. 14  
(1964,  
c. 95, s. 3),  
subs. 9,  
re-enacted

(9) A by-law passed under subsection 7 or 8 shall, if approved, within ninety days of the passing of the by-law, by the councils of the municipalities concerned and the public school boards concerned that are entirely within territory without municipal organization having at least 90 per cent of the assessment for public school purposes within the district school area proposed in the by-law, and by the Minister, come into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister.

Effective  
date of  
by-law

R.S.O. 1960,  
c. 330, s. 14  
(1964,  
c. 95, s. 3),  
subs. 10,  
amended

(3) Subsection 10 of the said section 14 is amended by inserting after "7" in the first line "or 8", so that the subsection shall read as follows:

Dissolution  
of boards

- (10) When a by-law passed under subsection 7 or 8 comes into force, each school section that is wholly included in the district school area ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the district school area.

R.S.O. 1960,  
c. 330, s. 14  
(1964,  
c. 95, s. 3),  
subs. 12,  
re-enacted

(4) Subsection 12 of the said section 14 is repealed and the following substituted therefor:

Board

- (12) There shall be a board of public school trustees for every district school area, which shall consist of the same number of elected trustees, and elected in the same manner, as boards of education under sections 55 and 56 of *The Secondary Schools and Boards of Education Act*, which sections, except subsection 2 of section 56, apply *mutatis mutandis*, except that there shall be no appointed trustees, provided that,

R.S.O. 1960,  
c. 362

- (a) where the number of trustees is fewer than five or more than nine, the Minister, on the request of a majority of the councils of the municipalities concerned, may determine the number of trustees to be elected to the board, the municipality or municipalities to be represented by each trustee, and their terms of office;
- (b) where the Minister determines that two or more municipalities or any part or parts thereof shall be combined for the purposes of the election of one or more trustees, such trustee or trustees shall be elected in accordance with the provisions of subsection 11a of section 13;
- (c) where a municipality or part thereof is included in the district school area and the assessment for public school purposes in such municipality or part is less than 10 per cent of the total assessment for public school purposes in the district school area, as adjusted by the application of the latest equalization factors provided by the Department of Municipal Affairs, such municipality or part shall not be deemed a municipality for the purposes of such sections 55 and 56.



Subsection 3. Subsection 10 now applies in relation to by-laws establishing district school areas. It is amended to also apply in relation to by-laws enlarging district school areas.

Subsection 4. Subsection 12 is re-enacted to provide that certain municipalities or parts, with little public school assessment, shall not be represented on the board of a district school area but shall be attached to another municipality for the purposes of electing trustees.

Subsection 5. Provision is made for the election of trustees in a district school area where the Minister determines representation under subsection 12 in a manner similar to that provided in subsection 11a of section 13 for county school areas.

Subsection 6. District school areas are classed as enlarged administrative areas to differentiate them from urban school sections.

SECTION 5. The first elections of trustees where any school section is formed in a municipality in a year in which elections are not normally held in the municipality are now provided for in section 54 of *The Schools Administration Act*. The provision of section 15 dealing specifically with county and district school areas is, therefore, no longer necessary.

SECTION 6. The amendment is to bring the section up to date by referring to county and district school areas.

SECTION 7. Section 17 is revised to provide for the sending of copies of by-laws establishing or altering school sections to all interested municipalities and boards as well as to the appropriate inspectors and to the Minister. The provisions respecting the approval of the Minister and the effective dates of such by-laws are deleted as these are now included in the provisions authorizing such by-laws.

- (12a) Where a district school area includes a municipality or part that is not deemed a municipality for the purposes of section 55 or 56 of *The Secondary Schools and Boards of Education Act*, such municipality or part shall, for the purposes of the election of trustees and of voting on school matters, be attached, by resolution of the public school consultative committee, to a municipality, all or part of which is included in the district school area, that is a municipality for the purposes of such sections 55 and 56, and the clerk of the municipality or part so attached shall furnish to the clerk of the municipality to which it is attached a certified copy of the list of voters qualified to vote on school matters in such municipality or part. Where municipalities and parts thereof not rated for trustee R.S.O. 1960, c. 362
- (5) The said section 14 is amended by adding thereto the following subsection: R.S.O. 1960, c. 330, s. 14 (1964, c. 95, s. 3), amended
- (13a) Where the Minister determines that two or more municipalities or any part or parts thereof shall be combined for the purposes of the election of trustees, such trustees shall be elected in accordance with subsection 11a of section 13, which subsection applies *mutatis mutandis*. Election where Minister determines representation
- (6) Subsection 15 of the said section 14 is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 14 (1964, c. 95, s. 3), subs. 15, re-enacted
- (15) Every district school area is an enlarged administrative area. Enlarged administrative area
5. Section 15 of *The Public Schools Act*, as re-enacted by section 3 of *The Public Schools Amendment Act, 1964*, is repealed. R.S.O. 1960, c. 330, s. 15 (1964, c. 95, s. 3), repealed
6. Section 16 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 16, re-enacted
16. Every urban municipality is an urban school section unless it forms part of a county school area, district school area, township school area or union school section. Urban municipality to be urban school section
7. Section 17 of *The Public Schools Act*, as amended by section 1 of *The Public Schools Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 17, re-enacted
17. The council of a municipality or county that passes a by-law establishing or altering a school section shall send a copy of the by-law forthwith after the passing Copies of by-laws establishing or altering sections to affected boards, etc.

thereof to each municipality, county and board affected by the by-law, to each inspector having jurisdiction in the area affected and to the Minister.

R.S.O. 1960,  
c. 330, s. 18  
(1961-62,  
c. 120, s. 2),  
re-enacted

8. Section 18 of *The Public Schools Act*, as re-enacted by section 2 of *The Public Schools Amendment Act, 1961-62* and amended by section 7 of *The Public Schools Amendment Act, 1965*, is repealed and the following substituted therefor:

Qualifica-  
tions of  
public  
school  
trustees

18.—(1) A person is qualified to be elected as a public school trustee who,

- (a) is a Canadian citizen;
- (b) is of the full age of twenty-one years;
- (c) is a resident in or within one mile of the school section; and
- (d) is a ratepayer in the school section.

Disquali-  
fications

(2) A person is not qualified to be elected as a public school trustee,

- (a) who is,
  - (i) a member of any other elementary or secondary school board, or
  - (ii) a member of the council of a municipality or county in which all or part of the school section is situate, or
  - (iii) an elected member of a local board of a municipality or county in which all or part of the school section is situate,

and whose term of office has at least two months to run after the day on which the nomination meeting for a new election is to be held unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality or county, as the case may be;

- (b) who is the clerk or treasurer of a municipality or county in which all or part of the school section is situate;
- (c) who is the husband or wife of a trustee of the same board;

SECTION 8. The provisions dealing only with rural school sections in townships are now obsolete and are deleted. The remaining provisions dealing with qualifications of trustees are re-enacted and will apply to trustees of all public school boards.

SECTION 9. The provisions as to elections in new rural school sections apply only to such sections in territory without municipal organization. They are, therefore, transferred to and included in the provisions dealing with sections in territory without municipal organization. See section 35 of this Bill.



- (d) who is otherwise disqualified under this or any other Act; or
  - (e) if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which the person qualifies is overdue and unpaid at the time of the opening of the nomination meeting, provided that this clause does not apply where the person is a tenant of the property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property, and the rental therefor is not overdue and unpaid at the time of the opening of the nomination meeting.
- (3) A person is qualified to act as a public school trustee during the term for which he was elected so long as he continues to have the qualifications mentioned in subsection 1 and does not become disqualified under clauses *a* to *d* of subsection 2. Qualification to act as trustee
- (4) The following persons shall be deemed ratepayers under clause *d* of subsection 1: Persons deemed ratepayers
- (a) the husband or wife of a person assessed in a municipality as actual owner or tenant of land in the school section for an amount sufficient to entitle him or her to vote at municipal elections;
  - (b) the son or daughter of a person assessed as the owner of a farm in the school section if he or she is resident on the farm with the assessed owner; and
  - (c) the husband or wife of a person assessed in territory without municipal organization as the owner of a farm in the school section if he or she resides on the farm with the assessed owner.
- (5) For the purposes of subsection 4, "farm" means not fewer than twenty acres of land in the actual occupation of the owner thereof. Interpretation

**9.** Section 19 of *The Public Schools Act*, as amended by R.S.O. 1960, section 3 of *The Public Schools Amendment Act, 1962-63*, is <sup>c. 330, s. 19,</sup> repealed.

R.S.O. 1960,  
c. 330, s. 20,  
re-enacted

**10.** Section 20 of *The Public Schools Act* is repealed and the following substituted therefor:

Corporation  
not to cease  
for want of  
trustees

20. A board does not cease to exist by reason of the want of trustees.

R.S.O. 1960,  
c. 330, s. 21,  
repealed

**11.** Section 21 of *The Public Schools Act*, as amended by section 3 of *The Public Schools Amendment Act, 1961-62*, section 5 of *The Public Schools Amendment Act, 1964* and section 8 of *The Public Schools Amendment Act, 1965*, is repealed.

R.S.O. 1960,  
c. 330, s. 22,  
repealed

**12.** Section 22 of *The Public Schools Act* is repealed.

R.S.O. 1960,  
c. 330, s. 23,  
repealed

**13.** Section 23 of *The Public Schools Act*, as amended by section 4 of *The Public Schools Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,  
c. 330, s. 24,  
repealed

**14.** Section 24 of *The Public Schools Act*, as amended by section 4 of *The Public Schools Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,  
c. 330,  
ss. 25, 26,  
repealed

**15.** Sections 25 and 26 of *The Public Schools Act* are repealed.

R.S.O. 1960,  
c. 330, s. 27,  
subs. 2  
(1961-62,  
c. 120, s. 5),  
repealed

**16.** Subsection 2 of section 27 of *The Public Schools Act*, as re-enacted by section 5 of *The Public Schools Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,  
c. 330, s. 33,  
re-enacted

**17.** Section 33 of *The Public Schools Act* is repealed and the following substituted therefor:

Voters in  
urban  
school  
section

33. Every person is entitled to vote at the election of trustees and on public school matters in an urban school section whose name is entered on the last revised voters' list as being entitled to vote at municipal elections in the municipality or the part thereof included in the urban school section except persons who are assessed as supporters of separate schools and persons who are entered on such voters' list by reason of being the wife or husband of a person assessed as a supporter of separate schools.

R.S.O. 1960,  
c. 330, s. 36,  
repealed

**18.** Section 36 of *The Public Schools Act* is repealed.

R.S.O. 1960,  
c. 330, s. 37,  
subs. 1,  
amended

**19.**—(1) Subsection 1 of section 37 of *The Public Schools Act* is amended by inserting after "a" in the fourth line "county, district or", so that the subsection shall read as follows:

SECTION 10. The provision, as re-enacted, is now contained in section 20 and is of general application to all school boards. The other provisions now in section 20 apply only to rural school sections in territory without municipal organization and are, therefore, transferred to the provisions in the Act dealing with such sections. See section 35 of this Bill.

SECTIONS 11, 12, 13, 14 and 15. These provisions now apply only to school sections in territory without municipal organization and are amended accordingly and transferred to the provisions dealing with such school sections. See section 35 of this Bill

SECTION 16. The qualifications for trustees of all public school boards are now included in section 18 as revised in section 8 of this Bill. Subsection 2 of section 27 respecting urban trustees is, therefore, repealed.

SECTION 17. The section is revised to refer to all urban school sections rather than to an urban municipality.

SECTION 18. The provisions respecting the resignation of trustees are made uniform for all school boards and transferred to section 44a of *The Schools Administration Act*.

SECTION 19. The provisions respecting controverted elections are amended to include reference to county and district school areas.

SECTION 20. The provisions respecting bribery at elections are amended to include reference to county and district school areas.

SECTION 21. The trustees of an improvement district are appointed, and these trustees are also the members of the school board. This new provision is necessary as there is no machinery for the election of trustees in an improvement district where the improvement district is part of a school section that includes one or more other municipalities or parts thereof.



- (1) Every complaint respecting the validity or mode of conducting the election of a trustee or the return made by a returning officer in an urban municipality or in a township for which a county, district or township school area board has been established shall be made to the judge of the county or district court within twenty days after the election, and he shall, within a reasonable time, in a summary manner hear and determine the complaint, and may cause the assessment rolls, collector's rolls, poll books and other records of the election to be brought before him, and may inquire into the facts by oral testimony or upon affidavit, and may cause such persons as he deems expedient to appear before him and give evidence.

Contro-  
verted  
elections,  
investiga-  
tion of  
complaints  
by judge

- (2) Subsection 3 of the said section 37 is amended by inserting after "a" where it occurs the second time in the third line "county, district or", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 330, s. 37,  
subs. 3,  
amended

- (3) Section 142 of *The Municipal Act* applies *mutatis mutandis* to every election of trustees in an urban municipality or in a township for which a county, district or township school area board has been established and to any proceeding relating to such election.

Application  
of R.S.O.  
1960, c. 249,  
s. 142

- 20.** Section 38 of *The Public Schools Act* is amended by inserting after "a" where it occurs the second time in the second line "county, district or", so that the section shall read as follows:

R.S.O. 1960,  
c. 330, s. 38,  
amended

38. In the case of an election of trustees in an urban municipality or in a township for which a county, district or township school area board has been established, the provisions of *The Municipal Act* as to bribery and undue influence apply, and, in every case in which an election is complained of on those grounds, the inquiry by the judge in reference thereto shall be by oral testimony only.

Bribery  
and undue  
influence

R.S.O. 1960,  
c. 249

- 21.** *The Public Schools Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 330,  
amended

- 39.—(1) Where an improvement district that does not elect public school trustees is included in a county, district or township school area that includes one or more other municipalities or a part or parts thereof, it shall, subject to subsection 2, for the purposes of

Improve-  
ment  
district  
in county,  
district or  
township  
school area

the election of trustees and of voting on school matters and for determining representation on the board of the county, district or township school area, be attached to the municipality, all or part of which is included in the area, with which it has the greatest common boundary, and the secretary-treasurer of the improvement district shall, before an election for such trustees is to be held in any year, prepare and send to the clerk of such municipality a list, signed by him and attested by his declaration, of all persons appearing by the then last revised assessment roll to be entitled to vote on public school matters in the improvement district.

Idem

- (2) Where the improvement district has the same length of boundary with two or more municipalities, it shall, for the purposes of subsection 1, be attached to the municipality having the greatest assessment for public school purposes.

R.S.O. 1960,  
c. 330, s. 40,  
subs. 4, 5  
(1965,  
c. 109, s. 11,  
subs. 1),  
re-enacted

**22.**—(1) Subsections 4 and 5 of section 40 of *The Public Schools Act*, as re-enacted by subsection 1 of section 11 of *The Public Schools Amendment Act, 1965*, are repealed and the following substituted therefor:

Alteration  
of areas

- (4) The council of a county may, by a by-law passed before the 1st day of July in any year,
- (a) add all or part of a township school area to another township school area;
  - (b) add all of an urban school section, except a city or separated town, or all or part of a union school section, except a city or separated town, to a township school area; or
  - (c) add to a township school area part or all of one or more municipalities, except a city or separated town, in an adjoining county or counties if the council or councils of the adjoining county or counties, by resolution, consent thereto within ninety days after the passing of the by-law,

as recommended by the consultative committee.

Inclusion of  
city or  
separated  
town in  
township  
school area

- (4a) The council of a city or separated town in a county, by a by-law passed before the 1st day of July in any year, may attach the city or separated town to an adjoining township school area if, as recommended



SECTION 22—Subsection 1. Clause *c* of subsection 4 is new and provides for the inclusion in an expanded township school area of all or part of one or more municipalities in another county.

Subsection 4a is new and provides for the inclusion in a township school area of an adjoining city or separated town.

Subsection 5 is amended to permit the attachment of a school section with fewer than 100 pupils in a county to be attached to a school section in another county.

Subsection 2. The time for passing an assenting resolution is extended from sixty to ninety days.

by the consultative committee or committees of the county or counties in which all or part of the township school area is situate, the council or councils of such county or counties, by resolution, consent thereto within ninety days of the passing of the by-law.

- (5) Where the average daily attendance of pupils of the public schools in a school section under the jurisdiction of a board is less than 100 in any year, the inspector shall notify the clerk of the county in which the school section is situate and the secretary of the board affected, and the council of the county shall, by by-law passed before the 1st day of July following notice from the inspector, attach, as recommended by the consultative committee, the school section to an adjoining school section, except a city or separated town, in the county or in an adjoining county if the council of the other county has, by resolution, consented thereto or to an adjoining city or separated town if the council of the city or separated town has, by resolution, consented thereto.
- Where attendance less than 100 in any year

(2) Subsection 6a of the said section 40, as enacted by subsection 1 of section 11 of *The Public Schools Amendment Act, 1965*, is amended by striking out "if approval thereto has been given by a resolution passed before the 1st day of September of that year" in the fifteenth and sixteenth lines and inserting in lieu thereof "if consent thereto has been given by a resolution passed within ninety days of the passing of the by-law", so that the subsection shall read as follows:

R.S.O. 1960, c. 330, s. 40, subs. 6a (1965, c. 109, s. 11, subs. 1), amended

- (6a) In the territorial districts, the council of a township that forms all or part of a township school area may, by a by-law passed before the 1st day of July in any year,
- Alteration of areas in territorial districts

- (a) add all or part of a school section in territory without municipal organization to the township school area; or
- (b) add all of an urban school section, except a city, or all or any part of a union school section, except a city, to the township school area; or
- (c) detach any portion of the township school area and attach such portion to another township school area or to a union school section,

if consent thereto has been given by a resolution passed within ninety days of the passing of the by-law, in the case of a school section in territory without municipal organization, by the board of the school section and, in other cases, by the councils of the other municipalities concerned.

R.S.O. 1960,  
c. 330, s. 40a  
(1964,  
c. 95, s. 6),  
subss. 1, 3,  
re-enacted

**23.**—(1) Subsections 1 and 3 of section 40a of *The Public Schools Act*, as enacted by section 6 of *The Public Schools Amendment Act, 1964*, are repealed and the following substituted therefor:

Board of  
township  
school area  
for one  
township

- (1) There shall be a board of five public school trustees for every township school area that includes only the whole of one township or only the whole of one township and a part or parts of one or more other townships where in each part the assessment for public school purposes is less than 10 per cent of the total assessment for public school purposes in the township of which it is a part.

Election  
by ballot

- (3) The election of trustees for a township school area under subsection 1 shall be by ballot in accordance with section 34.

R.S.O. 1960,  
c. 330, s. 40a  
(1964,  
c. 95, s. 6),  
subs. 4,  
re-enacted

(2) Subsection 4 of the said section 40a, as amended by section 12 of *The Public Schools Amendment Act, 1965*, is repealed and the following substituted therefor:

Where part  
of another  
township  
attached  
for voting  
purposes

- (4) Where a township school area includes only the whole of one township and part or parts of one or more other townships as described in subsection 1, such part or parts shall, for the purposes of the election of trustees and of voting on school matters, be attached,

- (a) to the township the whole of which is included in the township school area; or

- (b) where the election is by wards, to the ward of the township the whole of which is included in the township school area with which it has the greatest common boundary,

and the clerk of the township in which such part is situate shall furnish annually to the clerk of the township to which such part is attached a certified copy of the list of voters qualified to vote on public school matters in that part of the township.

SECTION 23. The election of trustees of township school areas including more than one municipality will hereafter be in accordance with section 40c. (See section 25 of this Bill.) Section 40a is, therefore, amended to apply only to township school areas that include only the whole of one township or the whole of one township and a small part or parts of one or more other townships that are not large enough to warrant separate representation.

SECTION 24. Subsection 1 at present applies only to township school areas that include an urban municipality. The subsection is revised to apply to all township school areas that include two or more municipalities or parts thereof.

SECTION 25—Subsection 1. The qualifications for trustees are made uniform with respect to all public school boards and appear in section 18 as revised in section 8 of this Bill. Subsection 1 respecting township school areas is, therefore, repealed.

Subsection 2. Township school areas are classed as enlarged administrative areas to differentiate them from urban school sections.



**24.**—(1) Subsection 1 of section 40b of *The Public Schools Act*, as enacted by section 6 of *The Public Schools Amendment Act, 1964* and amended by section 13 of *The Public Schools Amendment Act, 1965*, is repealed and the following substituted therefor:

- (1) The board of a township school area, except a township school area referred to in subsection 1 of section 40a, shall consist of the number of elected trustees provided for boards of education under subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*, which subsections apply *mutatis mutandis*, provided that,

Board of township school area including more than one municipality  
R.S.O. 1960, c. 330, s. 40b (1964, c. 95, s. 6), subs. 1, amended

- (a) where the number of trustees is fewer than five or more than nine, the Minister, on the request of a majority of the councils of the municipalities concerned, may determine the number of trustees to be elected in each municipality and their terms of office;
- (b) the municipality or municipalities that have more than one-half of the assessment for public school purposes in the township school area, as shown by the last revised assessment roll, shall be deemed to be a majority for the purpose of clause a; and
- (c) where a part of a township is included in a township school area and the assessment for public school purposes in such part is less than 10 per cent of the total assessment for public school purposes in the township, such part shall not be deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*.

(2) Where trustees of the board of a township school area have been elected to hold office for the years 1966 and 1967, subsection 1 of section 40b of *The Public Schools Act*, as re-enacted by subsection 1, applies only to the election of trustees of the board to take office in the year 1968 and thereafter.

Application of subs. 1 to election of trustees holding office for 1966 and 1967  
R.S.O. 1960, c. 330, s. 40c (1964, c. 95, s. 6), subs. 1, repealed

**25.**—(1) Subsection 1 of section 40c of *The Public Schools Act*, as enacted by section 6 of *The Public Schools Amendment Act, 1964*, is repealed.

R.S.O. 1960, c. 330, s. 40c (1964, c. 95, s. 6), subs. 3, re-enacted

(2) Subsection 3 of the said section 40c is repealed and the following substituted therefor:

Enlarged  
adminis-  
trative area

- (3) Every township school area is an enlarged administrative area.

R.S.O. 1960,  
c. 330, s. 40c,  
subs. 10  
(1965,  
c. 109, s. 14,  
subs. 2),  
amended

- (3) Subsection 10 of the said section 40c, as enacted by subsection 2 of section 14 of *The Public Schools Amendment Act, 1965*, is amended by striking out "townships" in the ninth line and inserting in lieu thereof "municipalities" and by striking out "township" in the thirteenth line and inserting in lieu thereof "municipality", so that the subsection shall read as follows:

Parts not  
rated for  
trustee,  
attached to  
another  
municipality  
for voting  
purposes  
R.S.O. 1960,  
c. 362

- (10) Each part of a township that is included in a township school area but that is not deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act* shall, for the purposes of the election of trustees and of voting on school matters, be attached to the township in which the township school area is formed or, where the township school area includes all of two or more municipalities, it shall be attached for such purposes, by resolution, by the public school consultative committee of the county in which the township school area or the part of the township school area having the greatest assessment is located, to a municipality all or part of which is in the township school area.

R.S.O. 1960,  
c. 330, s. 41,  
subs. 7,  
amended

- 26.** Subsection 7 of section 41 of *The Public Schools Act* is amended by inserting after "40" in the third line "40c", so that the subsection shall read as follows:

Application  
of ss. 21-23,  
40, 40c,  
56-61

- (7) For the purposes of township school areas formed under this section, and except as to matters provided for in this section, sections 21 to 23, 40, 40c and 56 to 61 apply *mutatis mutandis*.

R.S.O. 1960,  
c. 330, s. 42,  
amended

- 27.** Section 42 of *The Public Schools Act* is amended by adding thereto the following subsection:

Liability  
for debenture  
debt on  
alteration of  
boundaries  
of school  
section

- (8) Where there is a debenture debt for public school purposes in a school section when the boundaries of the school section are altered, and property taxable for public school purposes included therein is, by reason of such alteration, attached to another school section, the referee appointed to adjust the rights in respect of such alteration may require the board of the school section to which the property was attached to pay such portion of the interest and principal of the debenture debt as is determined by the referee.

Subsection 3. The amendment is to make it possible to attach a part of a township that is not rated for representation on the board of a township school area, for voting purposes, to a village or town as well as to a township.

SECTION 26. Certain of the provisions applicable to township school areas in territory without municipal organization, formerly contained in section 40, are now contained in section 40c. Subsection 7 is therefore amended to refer to section 40c as well as to section 40.

SECTION 27. The new subsection 8 is transferred from subsection 9 of section 65 where it was applicable only to rural school sections in one township. It will hereafter be applicable in respect of the alteration of any school section.

SECTION 28. The provisions respecting union school sections are revised to provide for the formation, alteration and dissolution of union school sections by the councils of counties except where cities and separated towns are concerned, in which case such school sections may be formed, altered or dissolved by the councils of cities or separated towns.



**28.** Section 45, as amended by section 12 of *The Public Schools Amendment Act, 1961-62*, section 7 of *The Public Schools Amendment Act, 1964* and section 16 of *The Public Schools Amendment Act, 1965*, and section 46 of *The Public Schools Act* are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 330, s. 45,  
re-enacted;  
s. 46,  
repealed

- 45.—(1) A union school section may comprise an urban municipality and part or parts of one or more adjoining township municipalities and shall be deemed to be an urban school section. Union school sections
- (2) The council of a county may, by by-law passed before the 1st day of July in any year, form, alter or dissolve a union school section that includes an urban municipality, except a city or separated town, as recommended by the public school consultative committee. In counties
- (3) The council of a city or separated town in a county may, by by-law passed before the 1st day of July in any year, form, alter or dissolve a union school section that includes the city or separated town and part or parts of one or more adjoining townships if the council of the county in which such part or parts are situate, by resolution, consents thereto within ninety days after the passing of the by-law. Including city or separated town
- (4) Where a by-law is passed under subsection 2 or 3 forming, altering or dissolving a union school section that includes part or parts of one or more townships in a county adjoining the county, city or separated town that passed the by-law, the by-law shall not be effective unless the council of the adjoining county, by resolution, consents thereto within ninety days after the passing of the by-law. Parts of townships in adjoining counties
- (5) In any year, the council of a city in a territorial district or the council of a town or village in a territorial district that had in the preceding year a population of 1,000 or more and the average daily attendance of pupils residing in the town or village was 100 or more in the preceding year may, by by-law passed before the 1st day of July in any year, form, alter or dissolve a union school section, as recommended by the public school consultative committee, if the council of each township, part of which is included in the union school section, by resolution, consents thereto within ninety days after the passing of the by-law. In territorial districts

Effective  
date of  
by-laws

- (6) A by-law passed under subsection 2, 3 or 5 comes into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister.

Adjustment  
of claims

- (7) The rights and claims between school sections included in or affected by the formation, alteration or dissolution of a union school section shall be determined in the manner provided with respect to a township school area under subsections 1 to 6 of section 42, which provisions apply *mutatis mutandis*.

Apportion-  
ment of  
annual  
requisition

- (8) In the year in which a union school section is formed or altered and thereafter, the annual requisition of the board for school purposes shall be apportioned in accordance with section 55.

R.S.O. 1960,  
c. 330, s. 47,  
re-enacted

**29.** Section 47 of *The Public Schools Act* is repealed and the following substituted therefor:

Corporate  
name of  
board

47. The board of trustees of a union school section is a corporation by the name of "The Union Public School Board of (*insert name of urban municipality*)".

R.S.O. 1960,  
c. 330,  
ss. 48-52,  
repealed

**30.** Sections 48, 49, 50, 51 and 52 of *The Public Schools Act* are repealed.

R.S.O. 1960,  
c. 330, s. 53,  
re-enacted

**31.** Section 53 of *The Public Schools Act* is repealed and the following substituted therefor:

List of  
voters in  
part of  
township  
in union  
school  
section

- 53.—(1) The clerk of a township any part of which is included in a union school section shall furnish to the clerk of the urban municipality in the union school section a certified copy of so much of the last revised voters' list of the township as contains the names of persons qualified to vote on public school matters in the part of the township included in the union school section.

Where  
electors of  
part of  
township in  
union school  
section to  
vote

- (2) Where the urban municipality in a union school section is divided into wards, the part of an adjoining township that is included in the union school section shall, for the purposes of the election of trustees and of voting on school matters, be attached to the ward with which such part has the greatest common boundary unless the board of the union school section by resolution determines in which ward or wards the electors of such part of the township shall vote.



SECTION 29. As there are now only urban union school sections, the corporate name of the boards of union school sections need only refer to the urban municipality.

SECTION 30. These sections are no longer necessary because of the revision of sections 45 and 46. See section 28 of this Bill.

SECTION 31. The amendment is complementary to the revision of sections 45 and 46. See section 28 of this Bill.

SECTION 32. Subsection 2 of section 54 is repealed as it refers to subsection 1 of section 65, which is repealed by section 40 of this Bill.

Subsection 4 of section 54 is obsolete by reason of the formation of township school areas in all townships and is, therefore, repealed.

SECTION 33—Subsections 1, 2 and 3. The amendments are complementary to the revision of sections 45 and 46. See section 28 of this Bill.

Subsection 4. The provisions of subsection 11 are made applicable to county and district school areas.

**32.** Subsection 2, as re-enacted by section 13 of *The Public Schools Amendment Act, 1961-62*, and subsection 4 of section 54 of *The Public Schools Act* are repealed.

R.S.O. 1960.  
c. 330, s. 54,  
subs. 2  
(1961-62,  
c. 120, s. 13),  
subs. 4,  
repealed

**33.**—(1) Subsection 1 of section 55 of *The Public Schools Act*, as re-enacted by subsection 1 of section 17 of *The Public Schools Amendment Act, 1965*, is amended by striking out "Except in the case of union school sections established under section 46" in the first and second lines and inserting in lieu thereof "In union school sections".

R.S.O. 1960.  
c. 330, s. 55,  
subs. 1  
(1965,  
c. 109, s. 17,  
subs. 1),  
amended

(2) Subsection 3 of the said section 55, as re-enacted by subsection 1 of section 17 of *The Public Schools Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 330, s. 55,  
subs. 3  
(1965,  
c. 109, s. 17,  
subs. 1),  
re-enacted

(3) The meeting of the treasurers shall be called by the treasurer of the urban municipality in the union school section.

Meeting of  
treasurers

(3) Subsection 6 of the said section 55, as re-enacted by subsection 2 of section 17 of *The Public Schools Amendment Act, 1965*, is amended by striking out "in whose inspectorate the school of the union school section is situate" in the second, third and fourth lines and inserting in lieu thereof "of the union school section", so that the subsection shall read as follows:

R.S.O. 1960.  
c. 330, s. 55,  
subs. 6  
(1965,  
c. 109, s. 17,  
subs. 2),  
amended

(6) If the treasurers do not reach a decision on or before the 1st day of December, the inspector of the union school section and the treasurers shall be arbitrators and shall determine the matter and report to the secretary of the board and to the clerk of each municipality on or before the 31st day of December.

Arbitration  
where  
treasurers  
do not reach  
a decision

(4) Subsection 11 of the said section 55, as enacted by subsection 2 of section 5 of *The Public Schools Amendment Act, 1960-61*; is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 330, s. 55,  
subs. 11  
(1960-61,  
c. 82, s. 5,  
subs. 2),  
re-enacted

(11) Where a part of a union school section or a county district or township school area in a municipality is also in a high school district, and another part of the union school section or county, district or township school area is in an adjoining municipality that does not form part of a high school district, and the high school board is furnishing transportation for its resident pupils, the public school board of the union school section or county, district or township school area may furnish transportation for secondary school pupils whose parents or guardians are public

Levy for  
transporta-  
tion costs  
for high  
school pupils  
resident in  
part of  
school  
section not  
in high  
school  
district

school supporters and who reside in the part of the union school section or county, district or township school area that is not in the high school district and may require the council of such adjoining municipality to levy the cost of the transportation for the preceding year, less the legislative grant paid thereon, on the taxable property of the public school supporters in that part of the union school section or county, district or township school area.

R.S.O. 1960,  
c. 330, s. 56,  
subs. 1,  
amended

**34.**—(1) Subsection 1 of section 56 of *The Public Schools Act* is amended by inserting after “a” in the third line “rural”, so that the subsection shall read as follows:

Formation  
of rural  
school  
sections in  
territory  
without  
municipal  
organization

- (1) Subject to the approval of the Minister, the inspector may form any part of territory without municipal organization into a rural school section.

R.S.O. 1960,  
c. 330, s. 56,  
amended

(2) The said section 56 is amended by adding thereto the following subsection:

Persons not  
British  
subjects not  
entitled to  
vote

- (5a) A person who is not a British subject is not entitled to vote at an election of trustees or upon any school question in a rural school section.

R.S.O. 1960,  
c. 330,  
amended

**35.** *The Public Schools Act* is amended by adding thereto the following sections:

Elections  
in new  
rural  
school  
sections

- 56a.**—(1) At the first election in every new rural school section, the first trustee elected shall hold office for three years, the second for two years, and the third for one year, or in case of a poll being taken the trustee receiving the highest number of votes shall hold office for three years, the trustee receiving the number of votes next to the highest shall hold office for two years, and the other trustee shall hold office for one year.

Determina-  
tion where  
equal  
number  
of votes

- (2) Where two or more candidates for the office of trustee receive an equal number of votes, the chairman of the meeting shall give a casting vote or provide for the drawing of lots to determine which of the candidates is elected.

When first  
year  
deemed to  
commence  
and end

- (3) The first year in each case shall be deemed to commence at the date of such first election and extend until the date fixed by section 56b for holding the second annual meeting of ratepayers thereafter.

Annual  
meeting,  
in rural  
school  
sections,  
when held

- 56b.**—(1) A meeting of the electors of every rural school section for the purpose among other things of electing

SECTION 34. Subsection 1 is amended to refer to rural school section for clarification purposes only.

The provisions respecting qualifications of voters now in section 22 apply only to sections in territory without municipal organization and are transferred to subsection 5*a* of section 56.

SECTION 35. The following provisions respecting rural school sections now apply only to school sections in territory without municipal organization and are transferred accordingly with appropriate amendments:

Section 19 becomes section 56*a*.

Section 21 becomes section 56*b* (1-7, 10).

Section 35 (1) becomes section 56*b* (8).

Section 20 (part) becomes section 56*b* (9).

Section 23 becomes section 56*c*.

Section 24 becomes section 56*d*.

Section 25 becomes section 56*e*.





trustees shall be held annually on the last Wednesday in December, or, if that day is a holiday, on the next day following, commencing at the hour of 10 o'clock in the forenoon, or, if the board by resolution so directs, at the hour of 1 o'clock or 8 o'clock in the afternoon, at such place as the board by resolution determines, or, in the absence of such resolution, at the schoolhouse of the rural school section.

- (2) Where the annual meeting of electors cannot conveniently be held as provided for in subsection 1, the electors, at a regular meeting or at a special meeting called for that purpose, may pass a resolution naming another day for the holding of the annual meeting, and, upon receiving the Minister's approval, the annual meeting shall be held on that day in each year thereafter, unless with the Minister's approval some other day is similarly named; provided that no subsequent alteration of the day for holding the annual meeting may be made until at least three annual meetings have been held on the day previously named and approved. Idem
- (3) When any school meeting has not been held on the proper date, the inspector, or any two electors in the section, may call a meeting of the electors by giving six clear days notice, to be posted up in at least three of the most public places in the rural school section, and the meeting so called has all the powers and shall perform all the duties of the meeting in the place of which it is called. Meeting to be called in default of first or annual meeting
- (4) The electors present at a school meeting shall elect one of their number as chairman and shall appoint a secretary who shall record the minutes of the meeting and perform such other duties as are required of him by this Act. Organization of meeting
- (5) The chairman shall submit all motions to the meeting in the manner desired by the majority and is entitled to vote on any motion, and in case of a tie the motion shall be declared to be negatived, and he shall decide all questions of order, subject to an appeal to the meeting. Chairman, duties of
- (6) The business of every school meeting may be conducted in the following order: Order of business
  1. Receiving and disposing of the annual report of the trustees.

2. Receiving a report from the trustees on the insurance on the buildings and equipment.
3. Receiving and disposing of the last annual report of the municipal auditor.
4. Where the ratepayers have provided for a local audit, receiving and disposing of the report of the local auditors.
5. If deemed necessary, providing for a local audit and the election of a local auditor for the ensuing year.
6. Miscellaneous business.
7. The election of trustees.

Special  
meeting,  
when to  
be held

- (7) Where a special meeting of the electors of a rural school section is called, the meeting shall be held at the hour of 10 o'clock in the forenoon, or, if the board by resolution so directs, at the hour of 1 o'clock in the afternoon or 8 o'clock in the afternoon, at such place as the board shall by resolution determine, or, in the absence of such resolution, at the schoolhouse of the rural school section.

Vacancies  
on board

- (8) Where a vacancy occurs from any cause in the office of trustee, the remaining trustees shall forthwith hold a new election to fill the vacancy in the manner provided for holding the annual election of trustees, and the person elected shall hold office for the remainder of the term for which his predecessor was elected.

Where one  
trustee or  
no trustees

- (9) If at any time there are no trustees or only one trustee, any two electors of the rural school section, or the inspector, by giving six days notice posted up in at least three public places in the rural school section, may call a meeting of the electors who shall elect three or two trustees, as the case may be, in the manner provided in this section.

When tie  
vote

- (10) When, at a regular annual meeting or at a special meeting called to fill a vacancy or vacancies, two or more candidates for the office of trustee receive an equal number of votes, the chairman of the meeting shall give a casting vote or provide for the drawing of lots to determine which of the candidates is elected.

- 56c.—(1) A poll may be demanded by any two electors at a meeting for the election of trustees or for the settlement of any school question in a rural school section, and the poll shall be granted by the chairman forthwith if demanded within ten minutes after the result of a vote has been declared by the chairman. Granting poll in rural school section
- (2) Where a poll is granted, the secretary shall enter in a poll book the name and residence of each elector offering to vote within the time prescribed and shall furnish him, at the time of voting, with a ballot paper on the back of which he has placed his initials, and shall provide a pencil for the marking of the ballot paper. Entry in poll book
- (3) Ballot papers shall be pieces of plain white paper of uniform size. Form of ballot paper
- (4) A voter shall mark his ballot, Marking of ballot paper
- (a) in the election of a trustee, by marking the name of the trustee thereon; and
- (b) on a question, by marking the word "for" or "against" thereon.
- (5) Each voter shall mark his ballot paper in a compartment or other place provided for the purpose that is so arranged that the manner in which he marks his ballot is not visible to other persons and shall thereupon fold it so that the initials of the secretary can be seen without opening it and hand it to the secretary who shall, without unfolding it, ascertain that his initials appear upon it and shall then in full view of all present, including the voter, place the ballot in a ballot box or other suitable container that has been placed and is kept upon a table for the purpose. Manner of voting
- (6) Every candidate may appoint a person to act as his scrutineer during the election. Appointment of scrutineer
- (7) If objection is made to the right of any person to vote, the chairman, if the name of the person appears on the assessment roll, shall require the person to make the following declaration: Right to vote objected to
1. I, A.B., declare and affirm that I am an assessed ratepayer in rural school section.....;  
or that I am the wife or husband of an assessed ratepayer in rural school section.....;



2. That I am of the full age of twenty-one years;
3. That I am a British subject;
4. That I am a supporter of the public school in rural school section.....; *or* that I am the wife *or* husband of a supporter of the public school in rural school section.....;
5. That I have a right to vote at this election (*or* on the question submitted to this meeting),

and after making such declaration the person making it is entitled to vote.

When poll shall close

- (8) The poll shall not close before noon, but may close at any time thereafter when a full hour elapses without any vote being polled, and shall not be kept open later than 4 o'clock in the afternoon.

Polling at evening meeting

- (9) When the meeting is held in the evening, the electors may decide, by resolution, that the poll shall be conducted forthwith or at 10 o'clock on the following morning, and, if conducted in the evening, the poll shall close after ten minutes have elapsed without any vote being recorded.

Counting votes, determination in case of tie

- (10) When a poll is closed, the secretary shall count the votes and,
  - (a) in the case of a tie vote with respect to the election of two or more candidates, the chairman shall give a casting vote or provide for drawing lots to determine which of the candidates is elected; and
  - (b) in the case of a tie vote on a question, the vote shall be deemed to be negative.

Declaration of result

- (11) In the case of an election of trustees, the chairman shall declare the candidate elected for whom the highest number of votes has been polled, and in case of a vote on a school question he shall declare the question adopted or negatived as the majority of votes is in favour of or against the question.

Copy of minutes and of poll book to inspector

- (12) A correct copy of the minutes of every school meeting and a copy of the poll book, where a poll has been taken, all of which shall be signed by the chairman and secretary, shall be forthwith transmitted by the chairman to the inspector.

- (13) A statement of the result of the vote shall be certified <sup>Statement of result of vote</sup> by the chairman and secretary and, in the case of an election of trustees, the statement shall be signed by any scrutineers present at the counting of the ballots, and a copy thereof shall be delivered or mailed to each candidate.
- (14) Every person upon receiving notice that he has been <sup>Acceptance of office of trustee</sup> elected trustee shall be deemed to have accepted the office unless a notice to the contrary is delivered by him to the chairman within twenty days after the election.
- (15) Where complaint is made to the inspector by an <sup>Complaints as to elections</sup> elector that the proceedings for the election of a trustee or that the proceedings or any part thereof of a school meeting have not been in conformity with this Act, the inspector shall investigate the complaint and confirm the election or proceedings if found to be in substantial accordance with this Act, or set the same aside if found not to be in substantial accordance therewith, and in the latter event he shall appoint a time and place for a new election or for the reconsideration of the school question, but no complaint shall be entertained unless made in writing to the inspector within twenty days after the holding of the election or meeting, and it is not incumbent upon the inspector to set aside such election or any proceeding for want of formal compliance with this Act if he is satisfied that the result of such election or proceeding has not been affected thereby.

56d.—(1) It is the duty of the secretary of a rural school <sup>Duties of secretary of rural school section:</sup> section,

- (a) to call a special meeting of the board at the <sup>calling special meetings</sup> request in writing of two trustees or of five electors, specifying the objects for which the meeting is to be held, and to state the objects of the meeting in the notice calling the meeting;
- (b) to give notice in writing, before the 15th day <sup>names and addresses of trustees and teachers to be given to inspector</sup> of January in each year, to the inspector of the names and post office addresses of the trustees and of the teachers employed, and to give reasonable notice in writing from time to time of any changes;

notice of  
annual  
meeting  
and meet-  
ings to fill  
vacancies in  
board, etc.

- (c) to give the notice required by this Act of each annual meeting of the ratepayers of the rural school section, to call a special meeting of the ratepayers when directed by the board, or, on the request in writing of five electors, for filling any vacancy in the board, for the selection of a new school site, or the appointment of a school auditor, or for any other lawful school purpose, and to cause notices of the time and place and of the objects of the meeting to be posted up in three or more public places in the rural school section at least six clear days before the time of holding the meeting; and

report at  
annual  
meeting

- (d) to cause to be prepared for the annual meeting of the ratepayers a report for the year then ending, to be signed by the trustees and by either or both of the auditors of the rural school section, containing a summary of the proceedings of the board during the year, a detailed account of all school moneys received and expended during the year and any further information that may be required by the Minister or by the regulations.

Compensa-  
tion of  
secretary  
who is  
also trustee

- (2) Where the secretary of a rural school section is a trustee, the board may pay only such compensation for his services as is approved by the electors at an annual or special meeting of electors.

Local  
auditors of  
rural schools  
R.S.O. 1960,  
c. 249

- 56e.—(1) In addition to the audit required under *The Municipal Act*, the ratepayers of a rural school section at an annual or special meeting held before the 15th day of December may provide for a local audit of the school accounts, and, when a local audit is provided for, there shall be two auditors, one of whom shall be elected by the ratepayers and the other appointed by the school board before the 15th day of December.

Filling  
vacancies

- (2) Where an auditor refuses or is unable to act or dies, another auditor may be elected or appointed in his place.

Appoint-  
ment by  
inspector

- (3) If from any cause at any time after the 1st day of December there are not two auditors willing, able and authorized to act, the inspector on the written request of any two ratepayers shall appoint one or both auditors as the case may require.



1. The first of these is the fact that the...  
 second...  
 third...  
 fourth...  
 fifth...  
 sixth...  
 seventh...  
 eighth...  
 ninth...  
 tenth...
2. The second of these is the fact that the...  
 third...  
 fourth...  
 fifth...  
 sixth...  
 seventh...  
 eighth...  
 ninth...  
 tenth...
3. The third of these is the fact that the...  
 fourth...  
 fifth...  
 sixth...  
 seventh...  
 eighth...  
 ninth...  
 tenth...
4. The fourth of these is the fact that the...  
 fifth...  
 sixth...  
 seventh...  
 eighth...  
 ninth...  
 tenth...
5. The fifth of these is the fact that the...  
 sixth...  
 seventh...  
 eighth...  
 ninth...  
 tenth...
6. The sixth of these is the fact that the...  
 seventh...  
 eighth...  
 ninth...  
 tenth...
7. The seventh of these is the fact that the...  
 eighth...  
 ninth...  
 tenth...
8. The eighth of these is the fact that the...  
 ninth...  
 tenth...
9. The ninth of these is the fact that the...  
 tenth...
10. The tenth of these is the fact that the...

SECTION 36. Where a district assessor is the assessor for a rural school section in territory without municipal organization, all assessment appeals are by this amendment required to be heard by the court of revision constituted under *The Assessment Act* by the Minister of Municipal Affairs.

- (4) The board or the secretary and treasurer shall lay all accounts before the school auditors or one of them, together with the agreements, vouchers, contracts and books in their possession, and the board and the secretary and treasurer and each of them shall afford to the auditors all the information in his or their power as to the receipts and expenditures that the auditors or either of them may require. Trustees and secretary-treasurer to lay accounts, etc., before auditors
- (5) The auditors, or one of them, shall on or immediately after the 1st day of December in each year appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the rural school section. Time of audit
- (6) It is the duty of the auditors to examine into and decide upon the accuracy of the accounts of the rural school section, and whether the board has duly expended for school purposes and accounted for the moneys received by it, and to submit the accounts with a full report thereon at the next annual school meeting. Duties of auditors
- (7) Any difference of opinion between the auditors on any matter in the accounts shall be decided by the inspector. Differences between auditors
- (8) If both auditors object to the lawfulness of any expenditure, they shall report the matter to the annual meeting and shall submit such matter to the Minister, whose decision is final. Report of objection
- (9) The auditors or either of them may require the attendance of all persons interested in the accounts, and of their witnesses, with such books, papers and documents as the auditor or auditors may direct, and may administer oaths to such persons and witnesses. Powers of auditors
- (10) An auditor who has entered upon an audit may complete the audit although he has not done so within the time prescribed by this Act. May complete audit after time prescribed

**36.** Section 57 of *The Public Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 330, s. 57, amended

- (4) Notwithstanding subsections 2 and 3, where a district assessor is the assessor for a rural school section and a court of revision has been constituted for the rural school section by the Minister of Municipal Affairs, the appeals from assessments under section 58 shall be heard by such court of revision. Court of revision where district assessor

R.S.O. 1960,  
c. 330, s. 58,  
subs. 1,  
amended

**37.**—(1) Subsection 1 of section 58 of *The Public Schools Act* is amended by adding at the commencement thereof "Subject to section 104 of *The Assessment Act*", so that the subsection shall read as follows:

Annual  
assessment  
roll  
R.S.O. 1960,  
c. 23

- (1) Subject to section 104 of *The Assessment Act*, the board shall, annually, at their first meeting, and not later than the 1st day of March in each year, appoint an assessor, who may be one of themselves, to prepare an assessment roll for the school section, and the secretary shall submit a certified copy of the roll to the proper court for revision.

R.S.O. 1960,  
c. 330, s. 58,  
subs. 3,  
re-enacted

(2) Subsection 3 of the said section 58 is repealed and the following substituted therefor:

Notice of  
assessment

- (3) The assessor shall notify every person assessed by leaving a notice containing the particulars of his assessment at his residence or place of business or by mailing it addressed to him at his residence or place of business, or, if a non-resident, by mailing the notice to his last known address, or, if his address is unknown, by posting up the notice in the post office nearest to the land assessed.

R.S.O. 1960,  
c. 330, s. 58,  
subs. 8,  
amended

(3) Subsection 8 of the said section 58 is amended by striking out "sent by registered mail" in the third line and inserting in lieu thereof "mailed", so that the subsection shall read as follows:

Posting  
up notice

- (8) The notice shall be posted up for at least three weeks before the time appointed for hearing the appeals, and shall be mailed to the last known addresses of non-resident ratepayers.

R.S.O. 1960,  
c. 330, s. 58,  
subs. 10, 11,  
re-enacted

(4) Subsections 10 and 11 of the said section 58 are repealed and the following substituted therefor:

Notice of  
appeal

- (10) The notice of appeal shall be given to the secretary within fourteen days after the day upon which the roll is required by law to be returned, or within fourteen days after the return of the roll, in case the roll is not returned within the time fixed for that purpose.

Court clerk

- (11) The court may appoint a competent person to be its clerk for each school section or for all the school sections, but, where a district assessor is the assessor for a rural school section, the secretary of the school section or some person designated by him shall be the clerk of the court, and the clerk shall keep in a

SECTION 37. The amendments are to bring the provisions respecting assessment and assessment appeals into line with section 104 of *The Assessment Act*, which provides for district assessors.



SECTION 38—Subsection 1. The provision respecting borrowing powers is amended to refer to county and district school area boards as well as to township school area boards.

Subsection 2. The amendment is complementary to section 39 of this Bill.

Subsection 3. Subsection 13 now refers to subsection 6 of section 65, which is repealed by section 40 of this Bill. The provisions of subsection 6 are, therefore, enacted in subsection 13.

SECTION 39. The new section 63a makes provision for the issue of debentures for a county school area by a county.



book a record of the proceedings and decisions of the court, which shall be certified by the chairman of the court.

**38.**—(1) Subsection 1 of section 63 of *The Public Schools Act* is amended by inserting after "a" in the second line "county, district or", so that the subsection shall read as follows: R.S.O. 1960,  
c. 330, s. 63,  
subs. 1,  
amended

(1) Subject to the approval of the Ontario Municipal Board, the sums required by an urban board or a county, district or township school area board for permanent improvements may be raised on the application of the board by the issue of municipal debentures as provided herein. Debentures  
for  
permanent  
improve-  
ments

(2) Subsection 12 of the said section 63 is amended by inserting after "municipality" in the first line "or county", so that the subsection shall read as follows: R.S.O. 1960,  
c. 330, s. 63,  
subs. 12,  
amended

(12) Where a municipality or county has raised money for the purposes of a board by the issue and sale of debentures, or by the hypothecation of debentures or temporary financing pending the sale of debentures, it shall pay over such money to the board from time to time as the board may require. Payments  
to boards

(3) Subsection 13 of the said section 63 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 330, s. 63,  
subs. 13,  
re-enacted

(13) The corporation of each other municipality, all or part of which forms part of the school section, shall, on the requisition of the clerk of the municipality that issued the debentures, pay its share of the loan, including interest as it becomes due, according to its liability as determined under section 55. Municipality  
forming  
part of  
school  
section to  
pay its  
proportion

**39.** *The Public Schools Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 330,  
amended

**63a.**—(1) Where in a county school area an application made under subsection 2 of section 63 has been approved under subsection 4 thereof or a majority of the votes is in favour of the application under subsection 7 thereof, and the councils of a majority of the municipalities which or part of which are included in the area by resolution request the council of the county in which the school is or is to be situated to raise the entire sum required by the issue of its debentures, such county council may without the assent Request for  
county to  
issue  
debentures

R.S.O. 1960,  
cc. 249, 362

of the electors issue the debentures in the manner provided by *The Municipal Act*, and the provisions of section 35 of *The Secondary Schools and Boards of Education Act* apply *mutatis mutandis*, except that, if such debentures are issued by the county, each municipality shall pay its proportion to the county.

Considera-  
tion by  
county  
council

- (2) The county council shall consider the request at its next meeting following the receipt thereof, and, if the county council refuses the request or neglects to make a decision at such meeting, the provisions of section 63 apply.

Where  
county must  
comply

- (3) Notwithstanding subsections 1 and 2, where a request is made under subsection 1 and the county school area comprises more than one-half of the equalized assessment, or more than one-half of the municipalities, of the county in which the school is or is to be situated, the council of the county shall issue the debentures.

R.S.O. 1960,  
c. 330, s. 65,  
repealed

**40.** Section 65 of *The Public Schools Act*, as amended by section 16 of *The Public Schools Amendment Act, 1961-62* and section 10 of *The Public Schools Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,  
c. 330, s. 69,  
subss. 1, 2,  
re-enacted

**41.** Subsections 1 and 2 of section 69 of *The Public Schools Act* are repealed and the following substituted therefor:

Levy of  
sums  
required  
by boards

- (1) The council of each municipality shall levy and collect upon the taxable property of the public school supporters of each school section or part of a school section within the municipality, in the manner provided in this Act and in *The Municipal Act* and *The Assessment Act*, such sums as may be required by the board or boards of such school section or sections for school purposes, and shall pay them to the treasurer or treasurers of the board or boards from time to time as may be required by the board or boards.

R.S.O. 1960,  
cc. 249, 23

Sums  
payable  
to board

- (2) The sums payable by a municipality to the board of a school section are payable out of moneys raised upon the taxable property of the public school supporters in the school section or the part thereof lying within the municipality.

R.S.O. 1960,  
c. 330, s. 70,  
repealed

**42.** Section 70 of *The Public Schools Act* is repealed.

SECTION 40. The provisions of section 65 are applicable only to rural school sections in townships. With the formation of township school areas in all townships, these provisions are no longer necessary and are repealed.

SECTION 41. The rating provisions are revised to delete the requirement for payment of rates on the warrant of the inspector and to delete the provisions respecting rural union school sections, which are now obsolete. The provision in subsection 2 is transferred from subsection 7 of section 65 and made applicable to all municipalities that include two or more school sections or parts thereof.

SECTION 42. There are no longer single rural school sections in townships since the formation of township school areas for every township. Section 70, providing for the apportionment of school money among the sections in a township by township councils, is, therefore, deleted.

SECTION 43. The provisions referring to the special duties provided for rural boards are amended to apply only to rural boards as defined in *The Schools Administration Act*.

SECTION 44. The present section 76 provides for appeals to county council from township by-laws providing for the formation or alteration of school sections. This section is now obsolete by reason of the formation of township school areas in all townships and the formation and alteration of school sections by county by-law.

The new section 76 provides for arbitration where there is disagreement as to the formation, alteration or dissolution of a county, district or township school area or a union school section.

The present section 77 provides for the adjustment of claims between school sections in the same township. This section is now obsolete and is, therefore, repealed.

The new section 77 is to make it clear that the Minister cannot give his approval to the formation or alteration of school areas after the time for holding nomination meetings. Otherwise, there would be no machinery for electing trustees for the new or altered school area.

The provisions of section 78 dealing with the validity of proceedings with respect to the formation, alteration and dissolution of school sections are revised and brought up to date.



**43.** Subsection 3 of section 74 of *The Public Schools Act*, R.S.O. 1960, c. 330, s. 74, as amended by subsection 2 of section 9 of *The Public Schools Amendment Act, 1964*, is further amended by striking out <sup>subs. 3, amended</sup> "that is not a township school area" in the first and second lines, so that the subsection, exclusive of the clauses, shall read as follows:

- (3) A public school board of a rural school section shall, <sup>Duties of rural board:</sup>

**44.** Section 76, as amended by section 18 of *The Public Schools Amendment Act, 1961-62*, section 13 of *The Public Schools Amendment Act, 1962-63* and section 11 of *The Public Schools Amendment Act, 1964*, and sections 77 and 78 of *The Public Schools Act* are repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 330, ss. 76-78, re-enacted</sup>

76.—(1) Where a by-law providing for the formation, <sup>Board of arbitration</sup> alteration or dissolution of a school section requires the consent of a board or of the council of a municipality or county to be effective and the board or council neglects or refuses to pass a resolution consenting to such by-law, the council of the municipality or county that passed the by-law may, within twenty days after the time for passing such resolution has expired, submit the matter to a board of arbitration consisting of the judge of the county that passed the by-law or the judge of the county or territorial district in which the municipality that passed the by-law is situate, or some person named by him, and one representative appointed by the council of the municipality or county that passed the by-law and one appointed by each board or council that is required to consent to the by-law, and the board of arbitration shall determine whether or not such by-law should be approved, and, if the decision of a majority of the arbitrators approves the by-law, the resolution or resolutions that are required to be passed for the by-law to be effective shall be deemed to have been passed.

- (2) The council of the municipality or county may <sup>Notice of arbitration</sup> submit the matter to arbitration by giving notice thereof to the inspector, to the judge and to each board, municipality and county that is required to consent to the by-law in question.

- (3) Upon receipt of the notice submitting a matter to <sup>Appointment of arbitrators</sup> arbitration,

- (a) the judge shall notify the inspector of his willingness to act as arbitrator or he shall appoint some person to act in his stead and shall notify the inspector of such appointment; and
- (b) the board or the council of the municipality or county shall, at its first meeting after receiving the notice, appoint an arbitrator and forthwith notify the inspector of such appointment.

First  
meeting,  
chairman

- (4) When the board of arbitration is complete, the judge or his nominee shall convene the first meeting of the board and he shall be chairman thereof.

Who may be  
arbitrator

- (5) No person shall be appointed as an arbitrator who is a member of the council that passed the by-law or who is a member of a board or council that is required to consent to the by-law.

Approval of  
by-laws  
forming or  
altering  
school areas

- 77. A by-law to form or alter a county, district or township school area shall not be approved by the Minister within the period from the 15th day of October to and including the 31st day of December of the year in which the by-law is passed.

Proceedings  
not invalid  
unless sub-  
stantial  
injustice

- 78.—(1) No proceeding with respect to the formation, alteration or dissolution of a school section and no arbitration or award with respect to any matter that by this Act may be determined by arbitration is invalid or shall be set aside because of failure to comply with the provisions of this Act applicable to the proceeding, arbitration or award, unless, in the opinion of the tribunal before which the proceeding, arbitration or award is called in question, the proceeding, arbitration or award, if allowed to stand, would cause substantial injustice to be done to any person affected thereby.

Questions  
to be deter-  
mined by  
judge of  
county or  
district  
court

- (2) If any question arises touching the validity of any proceeding with respect to the formation, alteration or dissolution of a school section or touching any by-law, arbitration or award with respect to any of such matters, the question shall be raised, heard and determined upon a summary application to the judge of the county or district court of the county or district in which the school section or some part thereof is situate.





SECTION 45. The provisions repealed provide for the establishment of another school or the transportation of pupils, on the order of the Minister, where roads are impassable. These provisions are now obsolete and provision is made elsewhere in the Act for transportation.

SECTION 46. The provisions respecting the validity of by-laws and awards are revised and brought up to date.

SECTION 47. The provisions respecting the furnishing of information to school boards are revised and brought up to date.

- (3) Where the question touches an arbitration or award to which the judge has been a party, such application shall be heard and determined by the judge of the county or district court of the adjoining county or district that has the greatest population according to the last federal census. Appeals where judge is arbitrator

**45.** Section 79 of *The Public Schools Act* is repealed. R.S.O. 1960, c. 330, s. 79, repealed

**46.** Section 81 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 81, re-enacted

81. A by-law of a municipality or county for forming, altering or dissolving a school section and an award made by arbitrators in relation thereto are valid and binding, notwithstanding any defect in substance or form or in the manner or time of passing or making, unless an application to quash the by-law or to set aside the award has been made within one month after the clerk of the municipality or county has received notice from the Minister that he has approved the by-law. By-laws and awards valid unless application to quash made

**47.** Section 83 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 83, re-enacted

83. The clerk of every municipality shall furnish to each board and inspector having jurisdiction in the municipality or any part thereof such information as may be requested with respect to population and the assessment and collector's roll, and the cost of preparing a statement including such information shall be paid by the board that requested it. Clerk to give information to board and inspector

**48.—**(1) This Act, except sections 3, 4, 18, 22 and 29, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 3, 4 and 22 shall be deemed to have come into force on the 1st day of January, 1966. Idem

(3) Sections 18 and 29 come into force on the 1st day of January, 1967. Idem

**49.** This Act may be cited as *The Public Schools Amendment Act, 1966*. Short title

An Act to amend The Public Schools Act

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*1st Reading*

June 7th, 1966

*2nd Reading*

*3rd Reading*

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MR. DAVIS

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# BILL 154

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## An Act to amend The Public Schools Act

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MR. DAVIS

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*(Reprinted as amended by the Committee on Education and University Affairs)*

#### EXPLANATORY NOTES

SECTION 1. The special provisions with respect to the selection of a school site in a rural school section are repealed as obsolete.

SECTION 2. Section 11 is re-enacted to delete the provisions dealing with rural school sections in townships. These provisions are no longer necessary with the formation of township school areas in all townships.

SECTION 3—Subsection 1. At present, a county school area may include all of one or more municipalities in an adjoining county. The provision is amended to permit the inclusion of part or all of one or more municipalities as recommended by the consultative committee.

The time for passing an assenting resolution is extended from sixty to ninety days.

Subsection 2. Subsection 7a requires the consent of a city or separated town for the inclusion of the city or town in a county school area.



## An Act to amend The Public Schools Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The Public Schools Act* is repealed. R.S.O. 1960,  
c. 330, s. 10,  
repealed
2. Section 11 of *The Public Schools Act*, as amended by section 2 of *The Public Schools Amendment Act, 1960-61*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 330, s. 11,  
re-enacted
  - 11.—(1) Where the land of any person is situate within the limits of two or more school sections, the parts so situate shall be assessed upon the assessment roll separately according to the divisions of the school sections within the limits of which the parts are situate. Assessment  
of land  
in each  
school  
section
  - (2) All parts of a school section, except those parts of a township school area or district school area that are in territory without municipal organization, shall be adjoining. Parts of  
section to be  
adjoining
  - 3.—(1) Subsection 7 of section 13 of *The Public Schools Act*, as re-enacted by section 3 of *The Public Schools Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 330, s. 13  
(1964, c. 95,  
s. 3),  
subs. 7,  
re-enacted
  - (7) The council of a county may, by by-law passed before the 1st day of July in any year, include in a county school area, as recommended by the consultative committee, all or part of one or more municipalities in an adjoining county or counties if the council or councils of the adjoining county or counties, by resolution, consent thereto within ninety days after the passing of the by-law. Municipalities in  
adjoining  
counties
  - (2) The said section 13 is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 330, s. 13  
(1964, c. 95,  
s. 3),  
amended

Where city  
or separated  
town in-  
cluded in  
county  
school area

- (7a) Where a by-law passed under subsection 6, 6a or 7 includes all or part of a city or separated town in a county school area, the by-law is not effective unless the council of the city or separated town, by resolution, consents thereto within ninety days after the passing of the by-law.

R.S.O. 1960,  
c. 330, s. 13  
(1964,  
c. 95, s. 3),  
subs. 9,  
amended

- (3) Subsection 9 of the said section 13 is amended by inserting after "6" in the first line "or 6a", so that the subsection shall read as follows:

Dissolution  
of boards

- (9) When a by-law passed under subsection 6 or 6a comes into force, every school section that is wholly included in the county school area ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the county school area.

R.S.O. 1960,  
c. 330, s. 13,  
subs. 11  
(1965,  
c. 109, s. 5,  
subs. 4),  
amended

- (4) Subsection 11 of the said section 13, as re-enacted by subsection 4 of section 5 of *The Public Schools Amendment Act, 1965*, is amended by inserting after "Act" in the fifth line "which subsections apply *mutatis mutandis*", so that the subsection, exclusive of the clauses, shall read as follows:

Board,  
composition

- (11) There shall be a board of public school trustees for every county school area, which shall consist of the number of elected trustees provided for boards of education under subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*, which subsections apply *mutatis mutandis*, provided that,

R.S.O. 1960,  
c. 362

- (5) The said section 13 is further amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 330, s. 13  
(1964,  
c. 95, s. 3),  
amended

Election  
where  
Minister  
determines  
representa-  
tion

- (11a) Where the Minister determines that two or more municipalities or any part or parts thereof shall be combined for the purposes of the election of one or more trustees, such trustee or trustees shall be elected by the general vote of the persons qualified to vote for public school trustees in such combined area, and,

- (a) the nominations for such trustees shall be conducted by the returning officer of the municipality having the greatest assessment for public school purposes in the combined area and shall be held at the same time and place as nominations for municipal councillors in that municipality;

Subsection 3. Subsection 9 now applies in relation to by-laws establishing county school areas. It is amended to apply also in relation to by-laws altering county school areas.

Subsection 4. The amendment is to make it clear that the provisions of section 55 of *The Secondary Schools and Boards of Education Act* providing for representation are to be applied in relation to county school area boards and the population in county school areas.

Subsection 5. Under subsection 11, where the number of trustees would be fewer than five or more than nine, the Minister, on the request of the county council, may determine the number of trustees and the municipality or municipalities to be represented by each trustee. The new subsection 11a provides for the election of such trustees where two or more municipalities or parts thereof are to be represented by one or more trustees.

Subsection 6. County school areas are classed as enlarged administrative areas to differentiate them from urban school sections.

SECTION 4—Subsection 1. Clause *a* is revised to permit district school areas to include parts of municipalities and territory without municipal organization.

Subsection 2. Subsection 9 is re-enacted to provide for the formation of a district school area where the councils and boards representing 90 per cent of the public school assessment in the proposed district school area are in favour.



- (b) the election of such trustees shall take place in each municipality during the same hours and on the same day as the annual municipal elections in the municipality in which the nominations were held in the same manner as nearly as may be as the election of municipal councillors; and
- (c) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the clerk of the municipality in which the nominations were held, who shall prepare the final summary and announcement of the vote and shall notify the board in writing of his determination.

(6) Subsection 14 of the said section 13 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 330, s. 13  
(1964,  
c. 95, s. 3),  
subs. 14,  
re-enacted

- (14) Every county school area is an enlarged administrative area.

Enlarged  
adminis-  
trative area

4.—(1) Clause *a* of subsection 6 of section 14 of *The Public Schools Act*, as re-enacted by section 3 of *The Public Schools Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 330, s. 14  
(1964,  
c. 95, s. 3),  
subs. 6,  
cl. a,  
re-enacted

- (a) the desirability of establishing or enlarging district school areas comprising part or all of two or more municipalities, school sections or territory without municipal organization; and

(2) Subsection 9 of the said section 14 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 330, s. 14  
(1964,  
c. 95, s. 3),  
subs. 9,  
re-enacted

- (9) A by-law passed under subsection 7 or 8 shall, if approved, within ninety days of the passing of the by-law, by the councils of the municipalities concerned and the public school boards concerned that are entirely within territory without municipal organization having at least 90 per cent of the assessment for public school purposes within the district school area proposed in the by-law, and by the Minister, come into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister.

Effective  
date of  
by-law

R.S.O. 1960  
c. 330, s. 14  
(1964,  
c. 95, s. 3)  
subs. 10,  
amended

(3) Subsection 10 of the said section 14 is amended by inserting after "7" in the first line "or 8", so that the subsection shall read as follows:

Dissolution  
of boards

- (10) When a by-law passed under subsection 7 or 8 comes into force, each school section that is wholly included in the district school area ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the district school area.

R.S.O. 1960,  
c. 330, s. 14  
(1964,  
c. 95, s. 3),  
subs. 12,  
re-enacted

(4) Subsection 12 of the said section 14 is repealed and the following substituted therefor:

Board

- (12) There shall be a board of public school trustees for every district school area, which shall consist of the same number of elected trustees, and elected in the same manner, as boards of education under sections 55 and 56 of *The Secondary Schools and Boards of Education Act*, which sections, except subsection 2 of section 56, apply *mutatis mutandis*, except that there shall be no appointed trustees, provided that,

R.S.O. 1960,  
c. 362

- (a) where the number of trustees is fewer than five or more than nine, the Minister, on the request of a majority of the councils of the municipalities concerned, may determine the number of trustees to be elected to the board, the municipality or municipalities to be represented by each trustee, and their terms of office;
- (b) where the Minister determines that two or more municipalities or any part or parts thereof shall be combined for the purposes of the election of one or more trustees, such trustee or trustees shall be elected in accordance with the provisions of subsection 11a of section 13;
- (c) where a municipality or part thereof is included in the district school area and the assessment for public school purposes in such municipality or part is less than 10 per cent of the total assessment for public school purposes in the district school area, as adjusted by the application of the latest equalization factors provided by the Department of Municipal Affairs, such municipality or part shall not be deemed a municipality for the purposes of such sections 55 and 56.



Subsection 3. Subsection 10 now applies in relation to by-laws establishing district school areas. It is amended to also apply in relation to by-laws enlarging district school areas.

Subsection 4. Subsection 12 is re-enacted to provide that certain municipalities or parts, with little public school assessment, shall not be represented on the board of a district school area but shall be attached to another municipality for the purposes of electing trustees.

Subsection 5. Provision is made for the election of trustees in a district school area where the Minister determines representation under subsection 12 in a manner similar to that provided in subsection 11a of section 13 for county school areas.

Subsection 6. District school areas are classed as enlarged administrative areas to differentiate them from urban school sections.

SECTION 5. The first elections of trustees where any school section is formed in a municipality in a year in which elections are not normally held in the municipality are now provided for in section 54 of *The Schools Administration Act*. The provision of section 15 dealing specifically with county and district school areas is, therefore, no longer necessary.

SECTION 6. The amendment is to bring the section up to date by referring to county and district school areas.

SECTION 7. Section 17 is revised to provide for the sending of copies of by-laws establishing or altering school sections to all interested municipalities and boards as well as to the appropriate inspectors and to the Minister. The provisions respecting the approval of the Minister and the effective dates of such by-laws are deleted as these are now included in the provisions authorizing such by-laws.

- (12a) Where a district school area includes a municipality or part that is not deemed a municipality for the purposes of section 55 or 56 of *The Secondary Schools and Boards of Education Act*, such municipality or part shall, for the purposes of the election of trustees and of voting on school matters, be attached, by resolution of the public school consultative committee, to a municipality, all or part of which is included in the district school area, that is a municipality for the purposes of such sections 55 and 56, and the clerk of the municipality or part so attached shall furnish to the clerk of the municipality to which it is attached a certified copy of the list of voters qualified to vote on school matters in such municipality or part. Where municipalities and parts thereof not rated for trustee R.S.O. 1960, c. 362
- (5) The said section 14 is amended by adding thereto the following subsection: R.S.O. 1960, c. 330, s. 14 (1964, c. 95, s. 3), amended
- (13a) Where the Minister determines that two or more municipalities or any part or parts thereof shall be combined for the purposes of the election of trustees, such trustees shall be elected in accordance with subsection 11a of section 13, which subsection applies *mutatis mutandis*. Election where Minister determines representation
- (6) Subsection 15 of the said section 14 is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 14 (1964, c. 95, s. 3), subs. 15, re-enacted
- (15) Every district school area is an enlarged administrative area. Enlarged administrative area
5. Section 15 of *The Public Schools Act*, as re-enacted by section 3 of *The Public Schools Amendment Act, 1964*, is repealed. R.S.O. 1960, c. 330, s. 15 (1964, c. 95, s. 3), repealed
6. Section 16 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 16, re-enacted
16. Every urban municipality is an urban school section unless it forms part of a county school area, district school area, township school area or union school section. Urban municipality to be urban school section
7. Section 17 of *The Public Schools Act*, as amended by section 1 of *The Public Schools Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 17, re-enacted
17. The council of a municipality or county that passes a by-law establishing or altering a school section shall send a copy of the by-law forthwith after the passing Copies of by-laws establishing or altering sections to affected boards, etc.

thereof to each municipality, county and board affected by the by-law, to each inspector having jurisdiction in the area affected and to the Minister.

R.S.O. 1960,  
c. 330, s. 18  
(1961-62,  
c. 120, s. 2),  
re-enacted

8. Section 18 of *The Public Schools Act*, as re-enacted by section 2 of *The Public Schools Amendment Act, 1961-62* and amended by section 7 of *The Public Schools Amendment Act, 1965*, is repealed and the following substituted therefor:

Qualifica-  
tions of  
public  
school  
trustees

18.—(1) A person is qualified to be elected as a public school trustee who,

- (a) is a Canadian citizen;
- (b) is of the full age of twenty-one years;
- (c) is a resident in or within one mile of the school section; and
- (d) is a ratepayer in the school section.

Disquali-  
fications

(2) A person is not qualified to be elected as a public school trustee,

- (a) who is,
  - (i) a member of any other elementary or secondary school board, or
  - (ii) a member of the council of a municipality or county in which all or part of the school section is situate, or
  - (iii) an elected member of a local board of a municipality or county in which all or part of the school section is situate,

and whose term of office has at least two months to run after the day on which the nomination meeting for a new election is to be held unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality or county, as the case may be;

- (b) who is the clerk or treasurer of a municipality or county in which all or part of the school section is situate;
- (c) who is the husband or wife of a trustee of the same board;

SECTION 8. The provisions dealing only with rural school sections in townships are now obsolete and are deleted. The remaining provisions dealing with qualifications of trustees are re-enacted and will apply to trustees of all public school boards.



SECTION 9. The provisions as to elections in new rural school sections apply only to such sections in territory without municipal organization. They are, therefore, transferred to and included in the provisions dealing with sections in territory without municipal organization. See section 36 of this Bill.



- (d) who is otherwise disqualified under this or any other Act; or
  - (e) if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which the person qualifies is overdue and unpaid at the time of the opening of the nomination meeting, provided that this clause does not apply where the person is a tenant of the property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property, and the rental therefor is not overdue and unpaid at the time of the opening of the nomination meeting.
- (3) A person is qualified to act as a public school trustee <sup>Qualifica-  
tion to act  
as trustee</sup> during the term for which he was elected so long as he continues to have the qualifications mentioned in subsection 1 and does not become disqualified under clauses *a* to *d* of subsection 2.
- (4) The following persons shall be deemed ratepayers <sup>Persons  
deemed  
ratepayers</sup> under clause *d* of subsection 1:
- (a) the husband or wife of a person assessed in a municipality as actual owner or tenant of land in the school section for an amount sufficient to entitle him or her to vote at municipal elections;
  - (b) the son or daughter of a person assessed as the owner of a farm in the school section if he or she is resident on the farm with the assessed owner; and
  - (c) the husband or wife of a person assessed in territory without municipal organization as the owner of a farm in the school section if he or she resides on the farm with the assessed owner.
- (5) For the purposes of subsection 4, "farm" means not <sup>Interpre-  
tation</sup> fewer than twenty acres of land in the actual occupation of the owner thereof.

9. Section 19 of *The Public Schools Act*, as amended by <sup>R.S.O. 1960,  
c. 330, s. 19,</sup> section 3 of *The Public Schools Amendment Act, 1962-63*, is <sup>repealed</sup> repealed.

R.S.O. 1960,  
c. 330, s. 20,  
re-enacted

**10.** Section 20 of *The Public Schools Act* is repealed and the following substituted therefor:

Corporation  
not to cease  
for want of  
trustees

20. A board does not cease to exist by reason of the want of trustees.

R.S.O. 1960,  
c. 330, s. 21,  
repealed

**11.** Section 21 of *The Public Schools Act*, as amended by section 3 of *The Public Schools Amendment Act, 1961-62*, section 5 of *The Public Schools Amendment Act, 1964* and section 8 of *The Public Schools Amendment Act, 1965*, is repealed.

R.S.O. 1960,  
c. 330, s. 22,  
repealed

**12.** Section 22 of *The Public Schools Act* is repealed.

R.S.O. 1960,  
c. 330, s. 23,  
repealed

**13.** Section 23 of *The Public Schools Act*, as amended by section 4 of *The Public Schools Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,  
c. 330, s. 24,  
repealed

**14.** Section 24 of *The Public Schools Act*, as amended by section 4 of *The Public Schools Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,  
c. 330,  
ss. 25, 26,  
repealed

**15.** Sections 25 and 26 of *The Public Schools Act* are repealed.

R.S.O. 1960,  
c. 330, s. 27,  
subs. 2  
(1961-62,  
c. 120, s. 5),  
repealed

**16.** Subsection 2 of section 27 of *The Public Schools Act*, as re-enacted by section 5 of *The Public Schools Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,  
c. 330, s. 33,  
re-enacted

**17.** Section 33 of *The Public Schools Act* is repealed and the following substituted therefor:

Voters in  
urban  
school  
section

33. Every person is entitled to vote at the election of trustees and on public school matters in an urban school section whose name is entered on the last revised voters' list as being entitled to vote at municipal elections in the municipality or the part thereof included in the urban school section except persons who are assessed as supporters of separate schools and persons who are entered on such voters' list by reason of being the wife or husband of a person assessed as a supporter of separate schools.

R.S.O. 1960,  
c. 330, s. 35,  
subs. 1,  
repealed

**18.** Subsection 1 of section 35 of *The Public Schools Act* is repealed.

R.S.O. 1960,  
c. 330, s. 36,  
repealed

**19.** Section 36 of *The Public Schools Act* is repealed.

R.S.O. 1960,  
c. 330, s. 37,  
subs. 1,  
amended

**20.**—(1) Subsection 1 of section 37 of *The Public Schools Act* is amended by inserting after "a" in the fourth line "county, district or", so that the subsection shall read as follows:

SECTION 10. The provision, as re-enacted, is now contained in section 20 and is of general application to all school boards. The other provisions now in section 20 apply only to rural school sections in territory without municipal organization and are, therefore, transferred to the provisions in the Act dealing with such sections. See section 36 of this Bill.

SECTIONS 11, 12, 13, 14 and 15. These provisions now apply only to school sections in territory without municipal organization and are amended accordingly and transferred to the provisions dealing with such school sections. See section 36 of this Bill.

SECTION 16. The qualifications for trustees of all public school boards are now included in section 18 as revised in section 8 of this Bill. Subsection 2 of section 27 respecting urban trustees is, therefore, repealed.

SECTION 17. The section is revised to refer to all urban school sections rather than to an urban municipality.

SECTION 18. See note to section 36 of this Bill.

SECTION 19. The provisions respecting the resignation of trustees are made uniform for all school boards and transferred to section 44a of *The Schools Administration Act*.

SECTION 20. The provisions respecting controverted elections are amended to include reference to county and district school areas.

SECTION 21. The provisions respecting bribery at elections are amended to include reference to county and district school areas.

SECTION 22. The trustees of an improvement district are appointed, and these trustees are also the members of the school board. This new provision is necessary as there is no machinery for the election of trustees in an improvement district where the improvement district is part of a school section that includes one or more other municipalities or parts thereof.



- (1) Every complaint respecting the validity or mode of conducting the election of a trustee or the return made by a returning officer in an urban municipality or in a township for which a county, district or township school area board has been established shall be made to the judge of the county or district court within twenty days after the election, and he shall, within a reasonable time, in a summary manner hear and determine the complaint, and may cause the assessment rolls, collector's rolls, poll books and other records of the election to be brought before him, and may inquire into the facts by oral testimony or upon affidavit, and may cause such persons as he deems expedient to appear before him and give evidence.
- (2) Subsection 3 of the said section 37 is amended by inserting after "a" where it occurs the second time in the third line "county, district or", so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 137, subs. 3, amended
- (3) Section 142 of *The Municipal Act* applies *mutatis mutandis* to every election of trustees in an urban municipality or in a township for which a county, district or township school area board has been established and to any proceeding relating to such election. Application of R.S.O. 1960, c. 249, s. 142
- 21.** Section 38 of *The Public Schools Act* is amended by inserting after "a" where it occurs the second time in the second line "county, district or", so that the section shall read as follows: R.S.O. 1960, c. 330, s. 38, amended
38. In the case of an election of trustees in an urban municipality or in a township for which a county, district or township school area board has been established, the provisions of *The Municipal Act* as to bribery and undue influence apply, and, in every case in which an election is complained of on those grounds, the inquiry by the judge in reference thereto shall be by oral testimony only. Bribery and undue influence R.S.O. 1960, c. 249
- 22.** *The Public Schools Act* is amended by adding thereto the following section: R.S.O. 1960, c. 330, amended
- 39.—(1) Where an improvement district that does not elect public school trustees is included in a county, district or township school area that includes one or more other municipalities or a part or parts thereof, it shall, subject to subsection 2, for the purposes of Improvement district in county, district or township school area

the election of trustees and of voting on school matters and for determining representation on the board of the county, district or township school area, be attached to the municipality, all or part of which is included in the area, with which it has the greatest common boundary, and the secretary-treasurer of the improvement district shall, before an election for such trustees is to be held in any year, prepare and send to the clerk of such municipality a list, signed by him and attested by his declaration, of all persons appearing by the then last revised assessment roll to be entitled to vote on public school matters in the improvement district.

**Idem**

- (2) Where the improvement district has the same length of boundary with two or more municipalities, it shall, for the purposes of subsection 1, be attached to the municipality having the greatest assessment for public school purposes.

R.S.O. 1960,  
c. 330, s. 40,  
subss. 4, 5  
(1965,  
c. 109, s. 11,  
subs. 1),  
re-enacted

**23.**—(1) Subsections 4 and 5 of section 40 of *The Public Schools Act*, as re-enacted by subsection 1 of section 11 of *The Public Schools Amendment Act, 1965*, are repealed and the following substituted therefor:

**Alteration  
of areas**

- (4) The council of a county may, by a by-law passed before the 1st day of July in any year,
- (a) add all or part of a township school area to another township school area;
  - (b) add all of an urban school section, except a city or separated town, or all or part of a union school section, except a city or separated town, to a township school area; or
  - (c) add to a township school area part or all of one or more municipalities, except a city or separated town, in an adjoining county or counties if the council or councils of the adjoining county or counties, by resolution, consent thereto within ninety days after the passing of the by-law,

as recommended by the consultative committee.

**Inclusion of  
city or  
separated  
town in  
township  
school area**

- (4a) The council of a city or separated town in a county, by a by-law passed before the 1st day of July in any year, may attach the city or separated town to an adjoining township school area if, as recommended



SECTION 23—Subsection 1. Clause *c* of subsection 4 is new and provides for the inclusion in an expanded township school area of all or part of one or more municipalities in another county.

Subsection 4*a* is new and provides for the inclusion in a township school area of an adjoining city or separated town.

Subsection 5 is amended to permit the attachment of a school section with fewer than 100 pupils in a county to be attached to a school section in another county.

Subsection 2. The time for passing an assenting resolution is extended from sixty to ninety days.

by the consultative committee or committees of the county or counties in which all or part of the township school area is situate, the council or councils of such county or counties, by resolution, consent thereto within ninety days of the passing of the by-law.

- (5) Where the average daily attendance of pupils of the public schools in a school section under the jurisdiction of a board is less than 100 in any year, the inspector shall notify the clerk of the county in which the school section is situate and the secretary of the board affected, and the council of the county shall, by by-law passed before the 1st day of July following notice from the inspector, attach, as recommended by the consultative committee, the school section to an adjoining school section, except a city or separated town, in the county or in an adjoining county if the council of the other county has, by resolution, consented thereto or to an adjoining city or separated town if the council of the city or separated town has, by resolution, consented thereto.

(2) Subsection 6a of the said section 40, as enacted by subsection 1 of section 11 of *The Public Schools Amendment Act, 1965*, is amended by striking out "if approval thereto has been given by a resolution passed before the 1st day of September of that year" in the fifteenth and sixteenth lines and inserting in lieu thereof "if consent thereto has been given by a resolution passed within ninety days of the passing of the by-law", so that the subsection shall read as follows:

- (6a) In the territorial districts, the council of a township that forms all or part of a township school area may, by a by-law passed before the 1st day of July in any year,

- (a) add all or part of a school section in territory without municipal organization to the township school area; or
- (b) add all of an urban school section, except a city, or all or any part of a union school section, except a city, to the township school area; or
- (c) detach any portion of the township school area and attach such portion to another township school area or to a union school section,

if consent thereto has been given by a resolution passed within ninety days of the passing of the by-law, in the case of a school section in territory without municipal organization, by the board of the school section and, in other cases, by the councils of the other municipalities concerned.

R.S.O. 1960,  
c. 330, s. 40a  
(1964,  
c. 95, s. 6),  
subs. 1, 3,  
re-enacted

**24.**—(1) Subsections 1 and 3 of section 40a of *The Public Schools Act*, as enacted by section 6 of *The Public Schools Amendment Act, 1964*, are repealed and the following substituted therefor:

Board of  
township  
school area  
for one  
township

- (1) There shall be a board of five public school trustees for every township school area that includes only the whole of one township or only the whole of one township and a part or parts of one or more other townships where in each part the assessment for public school purposes is less than 10 per cent of the total assessment for public school purposes in the township of which it is a part.

Election  
by ballot

- (3) The election of trustees for a township school area under subsection 1 shall be by ballot in accordance with section 34.

R.S.O. 1960,  
c. 330, s. 40a  
(1964,  
c. 95, s. 6),  
subs. 4,  
re-enacted

(2) Subsection 4 of the said section 40a, as amended by section 12 of *The Public Schools Amendment Act, 1965*, is repealed and the following substituted therefor:

Where part  
of another  
township  
attached  
for voting  
purposes

- (4) Where a township school area includes only the whole of one township and part or parts of one or more other townships as described in subsection 1, such part or parts shall, for the purposes of the election of trustees and of voting on school matters, be attached,

- (a) to the township the whole of which is included in the township school area; or

- (b) where the election is by wards, to the ward of the township the whole of which is included in the township school area with which it has the greatest common boundary,

and the clerk of the township in which such part is situate shall furnish annually to the clerk of the township to which such part is attached a certified copy of the list of voters qualified to vote on public school matters in that part of the township.

SECTION 24. The election of trustees of township school areas including more than one municipality will hereafter be in accordance with section 40c. (See section 26 of this Bill.) Section 40a is, therefore, amended to apply only to township school areas that include only the whole of one township or the whole of one township and a small part or parts of one or more other townships that are not large enough to warrant separate representation.

SECTION 25. Subsection 1 at present applies only to township school areas that include an urban municipality. The subsection is revised to apply to all township school areas that include two or more municipalities or parts thereof.

SECTION 26—Subsection 1. The qualifications for trustees are made uniform with respect to all public school boards and appear in section 18 as revised in section 8 of this Bill. Subsection 1 respecting township school areas is, therefore, repealed.

Subsection 2. Township school areas are classed as enlarged administrative areas to differentiate them from urban school sections.



**25.**—(1) Subsection 1 of section 40*b* of *The Public Schools Act*, as enacted by section 6 of *The Public Schools Amendment Act, 1964* and amended by section 13 of *The Public Schools Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 330, s. 40*b*  
(1964,  
c. 95, s. 6),  
subs. 1,  
amended

- (1) The board of a township school area, except a township school area referred to in subsection 1 of section 40*a*, shall consist of the number of elected trustees provided for boards of education under subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*, which subsections apply *mutatis mutandis*, provided that,

Board of township school area including more than one municipality  
R.S.O. 1960,  
c. 362

- (a) where the number of trustees is fewer than five or more than nine, the Minister, on the request of a majority of the councils of the municipalities concerned, may determine the number of trustees to be elected in each municipality and their terms of office;
- (b) the municipality or municipalities that have more than one-half of the assessment for public school purposes in the township school area, as shown by the last revised assessment roll, shall be deemed to be a majority for the purpose of clause *a*; and
- (c) where a part of a township is included in a township school area and the assessment for public school purposes in such part is less than 10 per cent of the total assessment for public school purposes in the township, such part shall not be deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*.

(2) Where trustees of the board of a township school area have been elected to hold office for the years 1966 and 1967, subsection 1 of section 40*b* of *The Public Schools Act*, as re-enacted by subsection 1, applies only to the election of trustees of the board to take office in the year 1968 and thereafter.

Application of subs. 1 to election of trustees holding office for 1966 and 1967  
R.S.O. 1960,  
c. 330, s. 40*c*  
(1964,  
c. 95, s. 6),  
subs. 1,  
repealed

**26.**—(1) Subsection 1 of section 40*c* of *The Public Schools Act*, as enacted by section 6 of *The Public Schools Amendment Act, 1964*, is repealed.

R.S.O. 1960,  
c. 330, s. 40*c*  
(1964,  
c. 95, s. 6),  
subs. 3,  
re-enacted

(2) Subsection 3 of the said section 40*c* is repealed and the following substituted therefor:

Enlarged  
adminis-  
trative area

- (3) Every township school area is an enlarged administrative area.

R.S.O. 1960,  
c. 330, s. 40c,  
subs. 10  
(1965,  
c. 109, s. 14,  
subs. 2),  
amended

- (3) Subsection 10 of the said section 40c, as enacted by subsection 2 of section 14 of *The Public Schools Amendment Act, 1965*, is amended by striking out "townships" in the ninth line and inserting in lieu thereof "municipalities" and by striking out "township" in the thirteenth line and inserting in lieu thereof "municipality", so that the subsection shall read as follows:

Parts not  
rated for  
trustees,  
attached to  
another  
municipality  
for voting  
purposes  
R.S.O. 1960,  
c. 362

- (10) Each part of a township that is included in a township school area but that is not deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act* shall, for the purposes of the election of trustees and of voting on school matters, be attached to the township in which the township school area is formed or, where the township school area includes all of two or more municipalities, it shall be attached for such purposes, by resolution, by the public school consultative committee of the county in which the township school area or the part of the township school area having the greatest assessment is located, to a municipality all or part of which is in the township school area.

R.S.O. 1960,  
c. 330, s. 41,  
subs. 7,  
amended

- 27.** Subsection 7 of section 41 of *The Public Schools Act* is amended by inserting after "40" in the third line "40c", so that the subsection shall read as follows:

Application  
of ss. 21-23,  
40, 40c,  
56-61

- (7) For the purposes of township school areas formed under this section, and except as to matters provided for in this section, sections 21 to 23, 40, 40c and 56 to 61 apply *mutatis mutandis*.

R.S.O. 1960,  
c. 330, s. 42,  
amended

- 28.** Section 42 of *The Public Schools Act* is amended by adding thereto the following subsection:

Liability  
for debenture  
debt on  
alteration of  
boundaries  
of school  
section

- (8) Where there is a debenture debt for public school purposes in a school section when the boundaries of the school section are altered, and property taxable for public school purposes included therein is, by reason of such alteration, attached to another school section, the referee appointed to adjust the rights in respect of such alteration may require the board of the school section to which the property was attached to pay such portion of the interest and principal of the debenture debt as is determined by the referee.

Subsection 3. The amendment is to make it possible to attach a part of a township that is not rated for representation on the board of a township school area, for voting purposes, to a village or town as well as to a township.

SECTION 27. Certain of the provisions applicable to township school areas in territory without municipal organization, formerly contained in section 40, are now contained in section 40c. Subsection 7 is therefore amended to refer to section 40c as well as to section 40.

SECTION 28. The new subsection 8 is transferred from subsection 9 of section 65 where it was applicable only to rural school sections in one township. It will hereafter be applicable in respect of the alteration of any school section.

SECTION 29. The provisions respecting union school sections are revised to provide for the formation, alteration and dissolution of union school sections by the councils of counties except where cities and separated towns are concerned, in which case such school sections may be formed, altered or dissolved by the councils of cities or separated towns.



**29.** Section 45, as amended by section 12 of *The Public Schools Amendment Act, 1961-62*, section 7 of *The Public Schools Amendment Act, 1964* and section 16 of *The Public Schools Amendment Act, 1965*, and section 46 of *The Public Schools Act* are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 330, s. 45,  
re-enacted;  
s. 46,  
repealed

- 45.—(1) A union school section may comprise an urban municipality and part or parts of one or more adjoining township municipalities and shall be deemed to be an urban school section. Union school sections
- (2) The council of a county may, by by-law passed before the 1st day of July in any year, form, alter or dissolve a union school section that includes an urban municipality, except a city or separated town, as recommended by the public school consultative committee. In counties
- (3) The council of a city or separated town in a county may, by by-law passed before the 1st day of July in any year, form, alter or dissolve a union school section that includes the city or separated town and part or parts of one or more adjoining townships if the council of the county in which such part or parts are situate, by resolution, consents thereto within ninety days after the passing of the by-law. Including city or separated town
- (4) Where a by-law is passed under subsection 2 or 3 forming, altering or dissolving a union school section that includes part or parts of one or more townships in a county adjoining the county, city or separated town that passed the by-law, the by-law shall not be effective unless the council of the adjoining county, by resolution, consents thereto within ninety days after the passing of the by-law. Parts of townships in adjoining counties
- (5) In any year, the council of a city in a territorial district or the council of a town or village in a territorial district that had in the preceding year a population of 1,000 or more and the average daily attendance of pupils residing in the town or village was 100 or more in the preceding year may, by by-law passed before the 1st day of July in any year, form, alter or dissolve a union school section, as recommended by the public school consultative committee, if the council of each township, part of which is included in the union school section, by resolution, consents thereto within ninety days after the passing of the by-law. In territorial districts

Effective  
date of  
by-laws

- (6) A by-law passed under subsection 2, 3 or 5 comes into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister.

Adjustment  
of claims

- (7) The rights and claims between school sections included in or affected by the formation, alteration or dissolution of a union school section shall be determined in the manner provided with respect to a township school area under subsections 1 to 6 of section 42, which provisions apply *mutatis mutandis*.

Apportion-  
ment of  
annual  
requisition

- (8) In the year in which a union school section is formed or altered and thereafter, the annual requisition of the board for school purposes shall be apportioned in accordance with section 55.

R.S.O. 1960,  
c. 330, s. 47,  
re-enacted

**30.** Section 47 of *The Public Schools Act* is repealed and the following substituted therefor:

Corporate  
name of  
board

47. The board of trustees of a union school section is a corporation by the name of "The Union Public School Board of (*insert name of urban municipality*)".

R.S.O. 1960,  
c. 330,  
ss. 48-52,  
repealed

**31.** Sections 48, 49, 50, 51 and 52 of *The Public Schools Act* are repealed.

R.S.O. 1960,  
c. 330, s. 53,  
re-enacted

**32.** Section 53 of *The Public Schools Act* is repealed and the following substituted therefor:

List of  
voters in  
part of  
township  
in union  
school  
section

- 53.—(1) The clerk of a township any part of which is included in a union school section shall furnish to the clerk of the urban municipality in the union school section a certified copy of so much of the last revised voters' list of the township as contains the names of persons qualified to vote on public school matters in the part of the township included in the union school section.

Where  
electors of  
part of  
township in  
union school  
section to  
vote

- (2) Where the urban municipality in a union school section is divided into wards, the part of an adjoining township that is included in the union school section shall, for the purposes of the election of trustees and of voting on school matters, be attached to the ward with which such part has the greatest common boundary unless the board of the union school section by resolution determines in which ward or wards the electors of such part of the township shall vote.



SECTION 30. As there are now only urban union school sections, the corporate name of the boards of union school sections need only refer to the urban municipality.

SECTION 31. These sections are no longer necessary because of the revision of sections 45 and 46. See section 29 of this Bill.

SECTION 32. The amendment is complementary to the revision of sections 45 and 46. See section 29 of this Bill.

SECTION 33. Subsection 2 of section 54 is repealed as it refers to subsection 1 of section 65, which is repealed by section 41 of this Bill.

Subsection 4 of section 54 is obsolete by reason of the formation of township school areas in all townships and is, therefore, repealed.

SECTION 34—Subsections 1, 2 and 3. The amendments are complementary to the revision of sections 45 and 46. See section 29 of this Bill.

Subsection 4. The provisions of subsection 11 are made applicable to county and district school areas.

**33.** Subsection 2, as re-enacted by section 13 of *The Public Schools Amendment Act, 1961-62*, and subsection 4 of section 54 of *The Public Schools Act* are repealed.

R.S.O. 1960,  
c. 330, s. 54,  
subs. 2  
(1961-62,  
c. 120, s. 13),  
subs. 4,  
repealed

**34.**—(1) Subsection 1 of section 55 of *The Public Schools Act*, as re-enacted by subsection 1 of section 17 of *The Public Schools Amendment Act, 1965*, is amended by striking out “Except in the case of union school sections established under section 46” in the first and second lines and inserting in lieu thereof “In union school sections”.

R.S.O. 1960,  
c. 330, s. 55,  
subs. 1  
(1965,  
c. 109, s. 17,  
subs. 1),  
amended

(2) Subsection 3 of the said section 55, as re-enacted by subsection 1 of section 17 of *The Public Schools Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 330, s. 55,  
subs. 3  
(1965,  
c. 109, s. 17,  
subs. 1),  
re-enacted

(3) The meeting of the treasurers shall be called by the treasurer of the urban municipality in the union school section.

Meeting of  
treasurers

(3) Subsection 6 of the said section 55, as re-enacted by subsection 2 of section 17 of *The Public Schools Amendment Act, 1965*, is amended by striking out “in whose inspectorate the school of the union school section is situate” in the second, third and fourth lines and inserting in lieu thereof “of the union school section”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 330, s. 55,  
subs. 6  
(1965,  
c. 109, s. 17,  
subs. 2),  
amended

(6) If the treasurers do not reach a decision on or before the 1st day of December, the inspector of the union school section and the treasurers shall be arbitrators and shall determine the matter and report to the secretary of the board and to the clerk of each municipality on or before the 31st day of December.

Arbitration  
where  
treasurers  
do not reach  
a decision

(4) Subsection 11 of the said section 55, as enacted by subsection 2 of section 5 of *The Public Schools Amendment Act, 1960-61*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 330, s. 55,  
subs. 11  
(1960-61,  
c. 82, s. 5,  
subs. 2),  
re-enacted

(11) Where a part of a union school section or a county, district or township school area in a municipality is also in a high school district, and another part of the union school section or county, district or township school area is in an adjoining municipality that does not form part of a high school district, and the high school board is furnishing transportation for its resident pupils, the public school board of the union school section or county, district or township school area may furnish transportation for secondary school pupils whose parents or guardians are public

Levy for  
transporta-  
tion costs  
for high  
school pupils  
resident in  
part of  
school  
section not  
in high  
school  
district

school supporters and who reside in the part of the union school section or county, district or township school area that is not in the high school district and may require the council of such adjoining municipality to levy the cost of the transportation for the preceding year, less the legislative grant paid thereon, on the taxable property of the public school supporters in that part of the union school section or county, district or township school area.

R.S.O. 1960,  
c. 330, s. 56,  
subs. 1,  
amended

**35.**—(1) Subsection 1 of section 56 of *The Public Schools Act* is amended by inserting after "a" in the third line "rural", so that the subsection shall read as follows:

Formation  
of rural  
school  
sections in  
territory  
without  
municipal  
organization

- (1) Subject to the approval of the Minister, the inspector may form any part of territory without municipal organization into a rural school section.

R.S.O. 1960,  
c. 330, s. 56,  
amended

(2) The said section 56 is amended by adding thereto the following subsection:

Persons not  
British  
subjects not  
entitled to  
vote

- (5a) A person who is not a British subject is not entitled to vote at an election of trustees or upon any school question in a rural school section.

R.S.O. 1960,  
c. 330,  
amended

**36.** *The Public Schools Act* is amended by adding thereto the following sections:

Elections  
in new  
rural  
school  
sections

**56a.**—(1) At the first election in every new rural school section, the first trustee elected shall hold office for three years, the second for two years, and the third for one year, or in case of a poll being taken the trustee receiving the highest number of votes shall hold office for three years, the trustee receiving the number of votes next to the highest shall hold office for two years, and the other trustee shall hold office for one year.

Determina-  
tion where  
equal  
number  
of votes

- (2) Where two or more candidates for the office of trustee receive an equal number of votes, the chairman of the meeting shall give a casting vote or provide for the drawing of lots to determine which of the candidates is elected.

When first  
year  
deemed to  
commence  
and end

- (3) The first year in each case shall be deemed to commence at the date of such first election and extend until the date fixed by section 56b for holding the second annual meeting of ratepayers thereafter.

Annual  
meeting,  
in rural  
school  
sections,  
when held

**56b.**—(1) A meeting of the electors of every rural school section for the purpose among other things of electing



SECTION 35. Subsection 1 is amended to refer to rural school section for clarification purposes only.

The provisions respecting qualifications of voters now in section 22 apply only to sections in territory without municipal organization and are transferred to subsection 5*a* of section 56.

SECTION 36. The following provisions respecting rural school sections now apply only to school sections in territory without municipal organization and are transferred accordingly with appropriate amendments:

Section 19 becomes section 56*a*.

Section 21 becomes section 56*b* (1-7, 10).

Section 35 (1) becomes section 56*b* (8).

Section 20 (part) becomes section 56*b* (9).

Section 23 becomes section 56*c*.

Section 24 becomes section 56*d*.

Section 25 becomes section 56*e*.





trustees shall be held annually on the last Wednesday in December, or, if that day is a holiday, on the next day following, commencing at the hour of 10 o'clock in the forenoon, or, if the board by resolution so directs, at the hour of 1 o'clock or 8 o'clock in the afternoon, at such place as the board by resolution determines, or, in the absence of such resolution, at the schoolhouse of the rural school section.

- (2) Where the annual meeting of electors cannot conveniently be held as provided for in subsection 1, the electors, at a regular meeting or at a special meeting called for that purpose, may pass a resolution naming another day for the holding of the annual meeting, and, upon receiving the Minister's approval, the annual meeting shall be held on that day in each year thereafter, unless with the Minister's approval some other day is similarly named; provided that no subsequent alteration of the day for holding the annual meeting may be made until at least three annual meetings have been held on the day previously named and approved. Idem
- (3) When any school meeting has not been held on the proper date, the inspector, or any two electors in the section, may call a meeting of the electors by giving six clear days notice, to be posted up in at least three of the most public places in the rural school section, and the meeting so called has all the powers and shall perform all the duties of the meeting in the place of which it is called. Meeting to be called in default of first or annual meeting
- (4) The electors present at a school meeting shall elect one of their number as chairman and shall appoint a secretary who shall record the minutes of the meeting and perform such other duties as are required of him by this Act. Organization of meeting
- (5) The chairman shall submit all motions to the meeting in the manner desired by the majority and is entitled to vote on any motion, and in case of a tie the motion shall be declared to be negatived, and he shall decide all questions of order, subject to an appeal to the meeting. Chairman, duties of
- (6) The business of every school meeting may be conducted in the following order: Order of business
  1. Receiving and disposing of the annual report of the trustees.

2. Receiving a report from the trustees on the insurance on the buildings and equipment.
3. Receiving and disposing of the last annual report of the municipal auditor.
4. Where the ratepayers have provided for a local audit, receiving and disposing of the report of the local auditors.
5. If deemed necessary, providing for a local audit and the election of a local auditor for the ensuing year.
6. Miscellaneous business.
7. The election of trustees.

Special  
meeting,  
when to  
be held

- (7) Where a special meeting of the electors of a rural school section is called, the meeting shall be held at the hour of 10 o'clock in the forenoon, or, if the board by resolution so directs, at the hour of 1 o'clock in the afternoon or 8 o'clock in the afternoon, at such place as the board shall by resolution determine, or, in the absence of such resolution, at the schoolhouse of the rural school section.

Vacancies  
on board

- (8) Where a vacancy occurs from any cause in the office of trustee, the remaining trustees shall forthwith hold a new election to fill the vacancy in the manner provided for holding the annual election of trustees, and the person elected shall hold office for the remainder of the term for which his predecessor was elected.

Where one  
trustee or  
no trustees

- (9) If at any time there are no trustees or only one trustee, any two electors of the rural school section, or the inspector, by giving six days notice posted up in at least three public places in the rural school section, may call a meeting of the electors who shall elect three or two trustees, as the case may be, in the manner provided in this section.

When tie  
vote

- (10) When, at a regular annual meeting or at a special meeting called to fill a vacancy or vacancies, two or more candidates for the office of trustee receive an equal number of votes, the chairman of the meeting shall give a casting vote or provide for the drawing of lots to determine which of the candidates is elected.

- 56c.—(1) A poll may be demanded by any two electors <sup>Granting poll in rural school section</sup> at a meeting for the election of trustees or for the settlement of any school question in a rural school section, and the poll shall be granted by the chairman forthwith if demanded within ten minutes after the result of a vote has been declared by the chairman.
- (2) Where a poll is granted, the secretary shall enter in a <sup>Entry in poll book</sup> poll book the name and residence of each elector offering to vote within the time prescribed and shall furnish him, at the time of voting, with a ballot paper on the back of which he has placed his initials, and shall provide a pencil for the marking of the ballot paper.
- (3) Ballot papers shall be pieces of plain white paper of <sup>Form of ballot paper</sup> uniform size.
- (4) A voter shall mark his ballot, <sup>Marking of ballot paper</sup>
- (a) in the election of a trustee, by marking the name of the trustee thereon; and
- (b) on a question, by marking the word "for" or "against" thereon.
- (5) Each voter shall mark his ballot paper in a compartment or other place provided for the purpose that is so arranged that the manner in which he marks his ballot is not visible to other persons and shall thereupon fold it so that the initials of the secretary can be seen without opening it and hand it to the secretary who shall, without unfolding it, ascertain that his initials appear upon it and shall then in full view of all present, including the voter, place the ballot in a ballot box or other suitable container that has been placed and is kept upon a table for the purpose. <sup>Manner of voting</sup>
- (6) Every candidate may appoint a person to act as his <sup>Appointment of scrutineer</sup> scrutineer during the election.
- (7) If objection is made to the right of any person to <sup>Right to vote</sup> vote, the chairman, if the name of the person appears <sup>objected to</sup> on the assessment roll, shall require the person to make the following declaration:
1. I, A.B., declare and affirm that I am an assessed ratepayer in rural school section.....; or that I am the wife or husband of an assessed ratepayer in rural school section.....;



2. That I am of the full age of twenty-one years;
3. That I am a British subject;
4. That I am a supporter of the public school in rural school section.....; *or* that I am the wife *or* husband of a supporter of the public school in rural school section.....;
5. That I have a right to vote at this election (*or* on the question submitted to this meeting),

and after making such declaration the person making it is entitled to vote.

When poll shall close

- (8) The poll shall not close before noon, but may close at any time thereafter when a full hour elapses without any vote being polled, and shall not be kept open later than 4 o'clock in the afternoon.

Polling at evening meeting

- (9) When the meeting is held in the evening, the electors may decide, by resolution, that the poll shall be conducted forthwith or at 10 o'clock on the following morning, and, if conducted in the evening, the poll shall close after ten minutes have elapsed without any vote being recorded.

Counting votes, determination in case of tie

- (10) When a poll is closed, the secretary shall count the votes and,
  - (a) in the case of a tie vote with respect to the election of two or more candidates, the chairman shall give a casting vote or provide for drawing lots to determine which of the candidates is elected; and
  - (b) in the case of a tie vote on a question, the vote shall be deemed to be negative.

Declaration of result

- (11) In the case of an election of trustees, the chairman shall declare the candidate elected for whom the highest number of votes has been polled, and in case of a vote on a school question he shall declare the question adopted or negatived as the majority of votes is in favour of or against the question.

Copy of minutes and of poll book to inspector

- (12) A correct copy of the minutes of every school meeting and a copy of the poll book, where a poll has been taken, all of which shall be signed by the chairman and secretary, shall be forthwith transmitted by the chairman to the inspector.

- (13) A statement of the result of the vote shall be certified Statement of result of vote by the chairman and secretary and, in the case of an election of trustees, the statement shall be signed by any scrutineers present at the counting of the ballots, and a copy thereof shall be delivered or mailed to each candidate.
- (14) Every person upon receiving notice that he has been Acceptance of office of trustee elected trustee shall be deemed to have accepted the office unless a notice to the contrary is delivered by him to the chairman within twenty days after the election.
- (15) Where complaint is made to the inspector by an Complaints as to elections elector that the proceedings for the election of a trustee or that the proceedings or any part thereof of a school meeting have not been in conformity with this Act, the inspector shall investigate the complaint and confirm the election or proceedings if found to be in substantial accordance with this Act, or set the same aside if found not to be in substantial accordance therewith, and in the latter event he shall appoint a time and place for a new election or for the reconsideration of the school question, but no complaint shall be entertained unless made in writing to the inspector within twenty days after the holding of the election or meeting, and it is not incumbent upon the inspector to set aside such election or any proceeding for want of formal compliance with this Act if he is satisfied that the result of such election or proceeding has not been affected thereby.
- 56d.—(1) It is the duty of the secretary of a rural school Duties of secretary of rural school section: section,
- (a) to call a special meeting of the board at the calling special meetings request in writing of two trustees or of five electors, specifying the objects for which the meeting is to be held, and to state the objects of the meeting in the notice calling the meeting;
  - (b) to give notice in writing, before the 15th day names and addresses of trustees and teachers to be given to inspector of January in each year, to the inspector of the names and post office addresses of the trustees and of the teachers employed, and to give reasonable notice in writing from time to time of any changes;

notice of  
annual  
meeting  
and meet-  
ings to fill  
vacancies in  
board, etc.

- (c) to give the notice required by this Act of each annual meeting of the ratepayers of the rural school section, to call a special meeting of the ratepayers when directed by the board, or, on the request in writing of five electors, for filling any vacancy in the board, for the selection of a new school site, or the appointment of a school auditor, or for any other lawful school purpose, and to cause notices of the time and place and of the objects of the meeting to be posted up in three or more public places in the rural school section at least six clear days before the time of holding the meeting; and

report at  
annual  
meeting

- (d) to cause to be prepared for the annual meeting of the ratepayers a report for the year then ending, to be signed by the trustees and by either or both of the auditors of the rural school section, containing a summary of the proceedings of the board during the year, a detailed account of all school moneys received and expended during the year and any further information that may be required by the Minister or by the regulations.

Compensa-  
tion of  
secretary  
who is  
also trustee

- (2) Where the secretary of a rural school section is a trustee, the board may pay only such compensation for his services as is approved by the electors at an annual or special meeting of electors.

Local  
auditors of  
rural schools  
R.S.O. 1960,  
c. 249

- 56e.—(1) In addition to the audit required under *The Municipal Act*, the ratepayers of a rural school section at an annual or special meeting held before the 15th day of December may provide for a local audit of the school accounts, and, when a local audit is provided for, there shall be two auditors, one of whom shall be elected by the ratepayers and the other appointed by the school board before the 15th day of December.

Filling  
vacancies

- (2) Where an auditor refuses or is unable to act or dies, another auditor may be elected or appointed in his place.

Appoint-  
ment by  
inspector

- (3) If from any cause at any time after the 1st day of December there are not two auditors willing, able and authorized to act, the inspector on the written request of any two ratepayers shall appoint one or both auditors as the case may require.





SECTION 37. Where a district assessor is the assessor for a rural school section in territory without municipal organization, all assessment appeals are by this amendment required to be heard by the court of revision constituted under *The Assessment Act* by the Minister of Municipal Affairs.

- (4) The board or the secretary and treasurer shall lay all accounts before the school auditors or one of them, together with the agreements, vouchers, contracts and books in their possession, and the board and the secretary and treasurer and each of them shall afford to the auditors all the information in his or their power as to the receipts and expenditures that the auditors or either of them may require. Trustees and secretary-treasurer to lay accounts, etc., before auditors
- (5) The auditors, or one of them, shall on or immediately after the 1st day of December in each year appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the rural school section. Time of audit
- (6) It is the duty of the auditors to examine into and decide upon the accuracy of the accounts of the rural school section, and whether the board has duly expended for school purposes and accounted for the moneys received by it, and to submit the accounts with a full report thereon at the next annual school meeting. Duties of auditors
- (7) Any difference of opinion between the auditors on any matter in the accounts shall be decided by the inspector. Differences between auditors
- (8) If both auditors object to the lawfulness of any expenditure, they shall report the matter to the annual meeting and shall submit such matter to the Minister, whose decision is final. Report of objection
- (9) The auditors or either of them may require the attendance of all persons interested in the accounts, and of their witnesses, with such books, papers and documents as the auditor or auditors may direct, and may administer oaths to such persons and witnesses. Powers of auditors
- (10) An auditor who has entered upon an audit may complete the audit although he has not done so within the time prescribed by this Act. May complete audit after time prescribed

**37.** Section 57 of *The Public Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 330, s. 57, amended

- (4) Notwithstanding subsections 2 and 3, where a district assessor is the assessor for a rural school section and a court of revision has been constituted for the rural school section by the Minister of Municipal Affairs, the appeals from assessments under section 58 shall be heard by such court of revision. Court of revision where district assessor

R.S.O. 1960,  
c. 330, s. 58,  
subs. 1,  
amended

**38.**—(1) Subsection 1 of section 58 of *The Public Schools Act* is amended by adding at the commencement thereof "Subject to section 104 of *The Assessment Act*", so that the subsection shall read as follows:

Annual  
assessment  
roll  
R.S.O. 1960,  
c. 23

- (1) Subject to section 104 of *The Assessment Act*, the board shall, annually, at their first meeting, and not later than the 1st day of March in each year, appoint an assessor, who may be one of themselves, to prepare an assessment roll for the school section, and the secretary shall submit a certified copy of the roll to the proper court for revision.

R.S.O. 1960,  
c. 330, s. 58,  
subs. 3,  
re-enacted

(2) Subsection 3 of the said section 58 is repealed and the following substituted therefor:

Notice of  
assessment

- (3) The assessor shall notify every person assessed by leaving a notice containing the particulars of his assessment at his residence or place of business or by mailing it addressed to him at his residence or place of business, or, if a non-resident, by mailing the notice to his last known address, or, if his address is unknown, by posting up the notice in the post office nearest to the land assessed.

R.S.O. 1960,  
c. 330, s. 58,  
subs. 8,  
amended

(3) Subsection 8 of the said section 58 is amended by striking out "sent by registered mail" in the third line and inserting in lieu thereof "mailed", so that the subsection shall read as follows:

Posting  
up notice

- (8) The notice shall be posted up for at least three weeks before the time appointed for hearing the appeals, and shall be mailed to the last known addresses of non-resident ratepayers.

R.S.O. 1960,  
c. 330, s. 58,  
subs. 10, 11,  
re-enacted

(4) Subsections 10 and 11 of the said section 58 are repealed and the following substituted therefor:

Notice of  
appeal

- (10) The notice of appeal shall be given to the secretary within fourteen days after the day upon which the roll is required by law to be returned, or within fourteen days after the return of the roll, in case the roll is not returned within the time fixed for that purpose.

Court clerk

- (11) The court may appoint a competent person to be its clerk for each school section or for all the school sections, but, where a district assessor is the assessor for a rural school section, the secretary of the school section or some person designated by him shall be the clerk of the court, and the clerk shall keep in a

SECTION 38. The amendments are to bring the provisions respecting assessment and assessment appeals into line with section 104 of *The Assessment Act*, which provides for district assessors.



SECTION 39—Subsection 1. The provision respecting borrowing powers is amended to refer to county and district school area boards as well as to township school area boards.

Subsection 2. The amendment is complementary to section 40 of this Bill.

Subsection 3. Subsection 13 now refers to subsection 6 of section 65, which is repealed by section 41 of this Bill. The provisions of subsection 6 are, therefore, enacted in subsection 13.

SECTION 40. The new section 63a makes provision for the issue of debentures for a county school area by a county.



book a record of the proceedings and decisions of the court, which shall be certified by the chairman of the court.

**39.**—(1) Subsection 1 of section 63 of *The Public Schools Act* is amended by inserting after “a” in the second line “county, district or”, so that the subsection shall read as follows: R.S.O. 1960,  
c. 330, s. 63,  
subs. 1,  
amended

(1) Subject to the approval of the Ontario Municipal Board, the sums required by an urban board or a county, district or township school area board for permanent improvements may be raised on the application of the board by the issue of municipal debentures as provided herein. Debentures  
for  
permanent  
improve-  
ments

(2) Subsection 12 of the said section 63 is amended by inserting after “municipality” in the first line “or county”, so that the subsection shall read as follows: R.S.O. 1960,  
c. 330, s. 63,  
subs. 12,  
amended

(12) Where a municipality or county has raised money for the purposes of a board by the issue and sale of debentures, or by the hypothecation of debentures or temporary financing pending the sale of debentures, it shall pay over such money to the board from time to time as the board may require. Payments  
to boards

(3) Subsection 13 of the said section 63 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 330, s. 63,  
subs. 13,  
re-enacted

(13) The corporation of each other municipality, all or part of which forms part of the school section, shall, on the requisition of the clerk of the municipality that issued the debentures, pay its share of the loan, including interest as it becomes due, according to its liability as determined under section 55. Municipality  
forming  
part of  
school  
section to  
pay its  
proportion

**40.** *The Public Schools Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 330,  
amended

**63a.**—(1) Where in a county school area an application made under subsection 2 of section 63 has been approved under subsection 4 thereof or a majority of the votes is in favour of the application under subsection 7 thereof, and the councils of a majority of the municipalities which or part of which are included in the area by resolution request the council of the county in which the school is or is to be situated to raise the entire sum required by the issue of its debentures, such county council may without the assent Request for  
county to  
issue  
debentures

R.S.O. 1960,  
cc. 249, 362

of the electors issue the debentures in the manner provided by *The Municipal Act*, and the provisions of section 35 of *The Secondary Schools and Boards of Education Act* apply *mutatis mutandis*, except that, if such debentures are issued by the county, each municipality shall pay its proportion to the county.

Considera-  
tion by  
county  
council

- (2) The county council shall consider the request at its next meeting following the receipt thereof, and, if the county council refuses the request or neglects to make a decision at such meeting, the provisions of section 63 apply.

Where  
county must  
comply

- (3) Notwithstanding subsections 1 and 2, where a request is made under subsection 1 and the county school area comprises more than one-half of the equalized assessment, or more than one-half of the municipalities, of the county in which the school is or is to be situated, the council of the county shall issue the debentures.

R.S.O. 1960,  
c. 330, s. 65,  
repealed

**41.** Section 65 of *The Public Schools Act*, as amended by section 16 of *The Public Schools Amendment Act, 1961-62* and section 10 of *The Public Schools Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,  
c. 330, s. 69,  
subss. 1, 2,  
re-enacted

**42.** Subsections 1 and 2 of section 69 of *The Public Schools Act* are repealed and the following substituted therefor:

Levy of  
sums  
required  
by boards

- (1) The council of each municipality shall levy and collect upon the taxable property of the public school supporters of each school section or part of a school section within the municipality, in the manner provided in this Act and in *The Municipal Act* and *The Assessment Act*, such sums as may be required by the board or boards of such school section or sections for school purposes, and shall pay them to the treasurer or treasurers of the board or boards from time to time as may be required by the board or boards.

R.S.O. 1960,  
cc. 249, 23

Sums  
payable  
to board

- (2) The sums payable by a municipality to the board of a school section are payable out of moneys raised upon the taxable property of the public school supporters in the school section or the part thereof lying within the municipality.

R.S.O. 1960,  
c. 330, s. 70,  
repealed

**43.** Section 70 of *The Public Schools Act* is repealed.

SECTION 41. The provisions of section 65 are applicable only to rural school sections in townships. With the formation of township school areas in all townships, these provisions are no longer necessary and are repealed.

SECTION 42. The rating provisions are revised to delete the requirement for payment of rates on the warrant of the inspector and to delete the provisions respecting rural union school sections, which are now obsolete. The provision in subsection 2 is transferred from subsection 7 of section 65 and made applicable to all municipalities that include two or more school sections or parts thereof.

SECTION 43. There are no longer single rural school sections in townships since the formation of township school areas for every township. Section 70, providing for the apportionment of school money among the sections in a township by township councils, is, therefore, deleted.

SECTION 44. The provisions referring to the special duties provided for rural boards are amended to apply only to rural boards as defined in *The Schools Administration Act*.

SECTION 45. The present section 76 provides for appeals to county council from township by-laws providing for the formation or alteration of school sections. This section is now obsolete by reason of the formation of township school areas in all townships and the formation and alteration of school sections by county by-law.

The new section 76 provides for arbitration where there is disagreement as to the formation, alteration or dissolution of a county, district or township school area or a union school section.

The present section 77 provides for the adjustment of claims between school sections in the same township. This section is now obsolete and is, therefore, repealed.

The new section 77 is to make it clear that the Minister cannot give his approval to the formation or alteration of school areas after the time for holding nomination meetings. Otherwise, there would be no machinery for electing trustees for the new or altered school area.

The provisions of section 78 dealing with the validity of proceedings with respect to the formation, alteration and dissolution of school sections are revised and brought up to date.



**44.** Subsection 3 of section 74 of *The Public Schools Act*, R.S.O. 1960, c. 330, s. 74, subs. 3, amended as amended by subsection 2 of section 9 of *The Public Schools Amendment Act, 1964*, is further amended by striking out "that is not a township school area" in the first and second lines, so that the subsection, exclusive of the clauses, shall read as follows:

- (3) A public school board of a rural school section shall, Duties of rural board:

**45.** Section 76, as amended by section 18 of *The Public Schools Amendment Act, 1961-62*, section 13 of *The Public Schools Amendment Act, 1962-63* and section 11 of *The Public Schools Amendment Act, 1964*, and sections 77 and 78 of *The Public Schools Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 330, ss. 76-78, re-enacted

- 76.—(1) Where a by-law providing for the formation, Board of arbitration alteration or dissolution of a school section requires the consent of a board or of the council of a municipality or county to be effective and the board or council neglects or refuses to pass a resolution consenting to such by-law, the council of the municipality or county that passed the by-law may, within twenty days after the time for passing such resolution has expired, submit the matter to a board of arbitration consisting of the judge of the county that passed the by-law or the judge of the county or territorial district in which the municipality that passed the by-law is situate, or some person named by him, and one representative appointed by the council of the municipality or county that passed the by-law and one appointed by each board or council that is required to consent to the by-law, and the board of arbitration shall determine whether or not such by-law should be approved, and, if the decision of a majority of the arbitrators approves the by-law, the resolution or resolutions that are required to be passed for the by-law to be effective shall be deemed to have been passed.
- (2) The council of the municipality or county may Notice of arbitration submit the matter to arbitration by giving notice thereof to the inspector, to the judge and to each board, municipality and county that is required to consent to the by-law in question.
- (3) Upon receipt of the notice submitting a matter to Appointment of arbitrators arbitration,

- (a) the judge shall notify the inspector of his willingness to act as arbitrator or he shall appoint some person to act in his stead and shall notify the inspector of such appointment; and
- (b) the board or the council of the municipality or county shall, at its first meeting after receiving the notice, appoint an arbitrator and forthwith notify the inspector of such appointment.

First  
meeting,  
chairman

- (4) When the board of arbitration is complete, the judge or his nominee shall convene the first meeting of the board and he shall be chairman thereof.

Who may be  
arbitrator

- (5) No person shall be appointed as an arbitrator who is a member of the council that passed the by-law or who is a member of a board or council that is required to consent to the by-law.

Approval of  
by-laws  
forming or  
altering  
school areas

- 77. A by-law to form or alter a county, district or township school area shall not be approved by the Minister within the period from the 15th day of October to and including the 31st day of December of the year in which the by-law is passed.

Proceedings  
not invalid  
unless sub-  
stantial  
injustice

- 78.—(1) No proceeding with respect to the formation, alteration or dissolution of a school section and no arbitration or award with respect to any matter that by this Act may be determined by arbitration is invalid or shall be set aside because of failure to comply with the provisions of this Act applicable to the proceeding, arbitration or award, unless, in the opinion of the tribunal before which the proceeding, arbitration or award is called in question, the proceeding, arbitration or award, if allowed to stand, would cause substantial injustice to be done to any person affected thereby.

Questions  
to be deter-  
mined by  
judge of  
county or  
district  
court

- (2) If any question arises touching the validity of any proceeding with respect to the formation, alteration or dissolution of a school section or touching any by-law, arbitration or award with respect to any of such matters, the question shall be raised, heard and determined upon a summary application to the judge of the county or district court of the county or district in which the school section or some part thereof is situate.





SECTION 46. The provisions repealed provide for the establishment of another school or the transportation of pupils, on the order of the Minister, where roads are impassable. These provisions are now obsolete and provision is made elsewhere in the Act for transportation.

SECTION 47. The provisions respecting the validity of by-laws and awards are revised and brought up to date.

SECTION 48. The provisions respecting the furnishing of information to school boards are revised and brought up to date.

- (3) Where the question touches an arbitration or award to which the judge has been a party, such application shall be heard and determined by the judge of the county or district court of the adjoining county or district that has the greatest population according to the last federal census. Appeals where judge is arbitrator

**46.** Section 79 of *The Public Schools Act* is repealed. R.S.O. 1960, c. 330, s. 79, repealed

**47.** Section 81 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 81, re-enacted

81. A by-law of a municipality or county for forming, altering or dissolving a school section and an award made by arbitrators in relation thereto are valid and binding, notwithstanding any defect in substance or form or in the manner or time of passing or making, unless an application to quash the by-law or to set aside the award has been made within one month after the clerk of the municipality or county has received notice from the Minister that he has approved the by-law. By-laws and awards valid unless application to quash made

**48.** Section 83 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 83, re-enacted

83. The clerk of every municipality shall furnish to each board and inspector having jurisdiction in the municipality or any part thereof such information as may be requested with respect to population and the assessment and collector's roll, and the cost of preparing a statement including such information shall be paid by the board that requested it. Clerk to give information to board and inspector

**49.**—(1) This Act, except sections 3, 4, 19, 23 and 30, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 3, 4 and 23 shall be deemed to have come into force on the 1st day of January, 1966. Idem

(3) Sections 19 and 30 come into force on the 1st day of January, 1967. Idem

**50.** This Act may be cited as *The Public Schools Amendment Act, 1966*. Short title

An Act to amend The Public Schools Act

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*1st Reading*

June 7th, 1966

*2nd Reading*

June 13th, 1966

*3rd Reading*

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MR. DAVIS

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(Reprinted as amended by the Committee  
on Education and University Affairs)

# **BILL 154**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Public Schools Act**

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**MR. DAVIS**

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## An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The Public Schools Act* is repealed. R.S.O. 1960,  
c. 330, s. 10,  
repealed
2. Section 11 of *The Public Schools Act*, as amended by section 2 of *The Public Schools Amendment Act, 1960-61*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 330, s. 11,  
re-enacted
  - 11.—(1) Where the land of any person is situate within the limits of two or more school sections, the parts so situate shall be assessed upon the assessment roll separately according to the divisions of the school sections within the limits of which the parts are situate. Assessment  
of land  
in each  
school  
section
  - (2) All parts of a school section, except those parts of a township school area or district school area that are in territory without municipal organization, shall be adjoining. Parts of  
section to be  
adjoining
- 3.—(1) Subsection 7 of section 13 of *The Public Schools Act*, as re-enacted by section 3 of *The Public Schools Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 330, s. 13  
(1964, c. 95,  
s. 3),  
subs. 7,  
re-enacted
  - (7) The council of a county may, by by-law passed before the 1st day of July in any year, include in a county school area, as recommended by the consultative committee, all or part of one or more municipalities in an adjoining county or counties if the council or councils of the adjoining county or counties, by resolution, consent thereto within ninety days after the passing of the by-law. Municipalities in  
adjoining  
counties
- (2) The said section 13 is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 330, s. 13  
(1964, c. 95,  
s. 3),  
amended

Where city  
or separated  
town in-  
cluded in  
county  
school area

- (7a) Where a by-law passed under subsection 6, 6a or 7 includes all or part of a city or separated town in a county school area, the by-law is not effective unless the council of the city or separated town, by resolution, consents thereto within ninety days after the passing of the by-law.

R.S.O. 1960,  
c. 330, s. 13  
(1964,  
c. 95, s. 3),  
subs. 9,  
amended

- (3) Subsection 9 of the said section 13 is amended by inserting after "6" in the first line "or 6a", so that the subsection shall read as follows:

Dissolution  
of boards

- (9) When a by-law passed under subsection 6 or 6a comes into force, every school section that is wholly included in the county school area ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the county school area.

R.S.O. 1960,  
c. 330, s. 13,  
subs. 11  
(1965,  
c. 109, s. 5,  
subs. 4),  
amended

- (4) Subsection 11 of the said section 13, as re-enacted by subsection 4 of section 5 of *The Public Schools Amendment Act, 1965*, is amended by inserting after "Act" in the fifth line "which subsections apply *mutatis mutandis*", so that the subsection, exclusive of the clauses, shall read as follows:

Board,  
composition

- (11) There shall be a board of public school trustees for every county school area, which shall consist of the number of elected trustees provided for boards of education under subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*, which subsections apply *mutatis mutandis*, provided that,

R.S.O. 1960,  
c. 362

- (5) The said section 13 is further amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 330, s. 13  
(1964,  
c. 95, s. 3),  
amended

Election  
where  
Minister  
determines  
representa-  
tion

- (11a) Where the Minister determines that two or more municipalities or any part or parts thereof shall be combined for the purposes of the election of one or more trustees, such trustee or trustees shall be elected by the general vote of the persons qualified to vote for public school trustees in such combined area, and,

- (a) the nominations for such trustees shall be conducted by the returning officer of the municipality having the greatest assessment for public school purposes in the combined area and shall be held at the same time and place as nominations for municipal councillors in that municipality;

- (b) the election of such trustees shall take place in each municipality during the same hours and on the same day as the annual municipal elections in the municipality in which the nominations were held in the same manner as nearly as may be as the election of municipal councillors; and
- (c) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the clerk of the municipality in which the nominations were held, who shall prepare the final summary and announcement of the vote and shall notify the board in writing of his determination.

(6) Subsection 14 of the said section 13 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 330, s. 13  
(1964,  
c. 95, s. 3),  
subs. 14,  
re-enacted

- (14) Every county school area is an enlarged administrative area.

Enlarged  
adminis-  
trative area

4.—(1) Clause *a* of subsection 6 of section 14 of *The Public Schools Act*, as re-enacted by section 3 of *The Public Schools Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 330, s. 14  
(1964,  
c. 95, s. 3),  
subs. 6,  
cl. *a*,  
re-enacted

- (a) the desirability of establishing or enlarging district school areas comprising part or all of two or more municipalities, school sections or territory without municipal organization; and

(2) Subsection 9 of the said section 14 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 330, s. 14  
(1964,  
c. 95, s. 3),  
subs. 9,  
re-enacted

- (9) A by-law passed under subsection 7 or 8 shall, if approved, within ninety days of the passing of the by-law, by the councils of the municipalities concerned and the public school boards concerned that are entirely within territory without municipal organization having at least 90 per cent of the assessment for public school purposes within the district school area proposed in the by-law, and by the Minister, come into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister.

Effective  
date of  
by-law



R.S.O. 1960  
c. 330, s. 14  
(1964,  
c. 95, s. 3)  
subs. 10,  
amended

(3) Subsection 10 of the said section 14 is amended by inserting after "7" in the first line "or 8", so that the subsection shall read as follows:

Dissolution  
of boards

- (10) When a by-law passed under subsection 7 or 8 comes into force, each school section that is wholly included in the district school area ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the district school area.

R.S.O. 1960,  
c. 330, s. 14  
(1964,  
c. 95, s. 3),  
subs. 12,  
re-enacted

(4) Subsection 12 of the said section 14 is repealed and the following substituted therefor:

Board

- (12) There shall be a board of public school trustees for every district school area, which shall consist of the same number of elected trustees, and elected in the same manner, as boards of education under sections 55 and 56 of *The Secondary Schools and Boards of Education Act*, which sections, except subsection 2 of section 56, apply *mutatis mutandis*, except that there shall be no appointed trustees, provided that,

R.S.O. 1960,  
c. 362

- (a) where the number of trustees is fewer than five or more than nine, the Minister, on the request of a majority of the councils of the municipalities concerned, may determine the number of trustees to be elected to the board, the municipality or municipalities to be represented by each trustee, and their terms of office;
- (b) where the Minister determines that two or more municipalities or any part or parts thereof shall be combined for the purposes of the election of one or more trustees, such trustee or trustees shall be elected in accordance with the provisions of subsection 11a of section 13;
- (c) where a municipality or part thereof is included in the district school area and the assessment for public school purposes in such municipality or part is less than 10 per cent of the total assessment for public school purposes in the district school area, as adjusted by the application of the latest equalization factors provided by the Department of Municipal Affairs, such municipality or part shall not be deemed a municipality for the purposes of such sections 55 and 56.

- (12a) Where a district school area includes a municipality or part that is not deemed a municipality for the purposes of section 55 or 56 of *The Secondary Schools and Boards of Education Act*, such municipality or part shall, for the purposes of the election of trustees and of voting on school matters, be attached, by resolution of the public school consultative committee, to a municipality, all or part of which is included in the district school area, that is a municipality for the purposes of such sections 55 and 56, and the clerk of the municipality or part so attached shall furnish to the clerk of the municipality to which it is attached a certified copy of the list of voters qualified to vote on school matters in such municipality or part. Where municipalities and parts thereof not rated for trustee R.S.O. 1960, c. 362
- (5) The said section 14 is amended by adding thereto the following subsection: R.S.O. 1960, c. 330, s. 14 (1964, c. 95, s. 3), amended
- (13a) Where the Minister determines that two or more municipalities or any part or parts thereof shall be combined for the purposes of the election of trustees, such trustees shall be elected in accordance with subsection 11a of section 13, which subsection applies *mutatis mutandis*. Election where Minister determines representation
- (6) Subsection 15 of the said section 14 is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 14 (1964, c. 95, s. 3), subs. 15, re-enacted
- (15) Every district school area is an enlarged administrative area. Enlarged administrative area
5. Section 15 of *The Public Schools Act*, as re-enacted by section 3 of *The Public Schools Amendment Act, 1964*, is repealed. R.S.O. 1960, c. 330, s. 15 (1964, c. 95, s. 3), repealed
6. Section 16 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 16, re-enacted
16. Every urban municipality is an urban school section unless it forms part of a county school area, district school area, township school area or union school section. Urban municipality to be urban school section
7. Section 17 of *The Public Schools Act*, as amended by section 1 of *The Public Schools Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 17, re-enacted
17. The council of a municipality or county that passes a by-law establishing or altering a school section shall send a copy of the by-law forthwith after the passing Copies of by-laws establishing or altering sections to affected boards, etc.



thereof to each municipality, county and board affected by the by-law, to each inspector having jurisdiction in the area affected and to the Minister.

R.S.O. 1960,  
c. 330, s. 18  
(1961-62,  
c. 120, s. 2),  
re-enacted

8. Section 18 of *The Public Schools Act*, as re-enacted by section 2 of *The Public Schools Amendment Act, 1961-62* and amended by section 7 of *The Public Schools Amendment Act, 1965*, is repealed and the following substituted therefor:

Qualifica-  
tions of  
public  
school  
trustees

18.—(1) A person is qualified to be elected as a public school trustee who,

- (a) is a Canadian citizen;
- (b) is of the full age of twenty-one years;
- (c) is a resident in or within one mile of the school section; and
- (d) is a ratepayer in the school section.

Disquali-  
fications

(2) A person is not qualified to be elected as a public school trustee,

- (a) who is,
  - (i) a member of any other elementary or secondary school board, or
  - (ii) a member of the council of a municipality or county in which all or part of the school section is situate, or
  - (iii) an elected member of a local board of a municipality or county in which all or part of the school section is situate,

and whose term of office has at least two months to run after the day on which the nomination meeting for a new election is to be held unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality or county, as the case may be;

- (b) who is the clerk or treasurer of a municipality or county in which all or part of the school section is situate;
- (c) who is the husband or wife of a trustee of the same board;

- (d) who is otherwise disqualified under this or any other Act; or
  - (e) if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which the person qualifies is overdue and unpaid at the time of the opening of the nomination meeting, provided that this clause does not apply where the person is a tenant of the property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property, and the rental therefor is not overdue and unpaid at the time of the opening of the nomination meeting.
- (3) A person is qualified to act as a public school trustee <sup>Qualification to act as trustee</sup> during the term for which he was elected so long as he continues to have the qualifications mentioned in subsection 1 and does not become disqualified under clauses *a* to *d* of subsection 2.
- (4) The following persons shall be deemed ratepayers <sup>Persons deemed ratepayers</sup> under clause *d* of subsection 1:
- (a) the husband or wife of a person assessed in a municipality as actual owner or tenant of land in the school section for an amount sufficient to entitle him or her to vote at municipal elections;
  - (b) the son or daughter of a person assessed as the owner of a farm in the school section if he or she is resident on the farm with the assessed owner; and
  - (c) the husband or wife of a person assessed in territory without municipal organization as the owner of a farm in the school section if he or she resides on the farm with the assessed owner.
- (5) For the purposes of subsection 4, "farm" means not <sup>Interpretation</sup> fewer than twenty acres of land in the actual occupation of the owner thereof.

**9.** Section 19 of *The Public Schools Act*, as amended by <sup>R.S.O. 1960, c. 330, s. 19,</sup> section 3 of *The Public Schools Amendment Act, 1962-63*, is <sup>repealed</sup> repealed.

R.S.O. 1960,  
c. 330, s. 20,  
re-enacted

**10.** Section 20 of *The Public Schools Act* is repealed and the following substituted therefor:

Corporation  
not to cease  
for want of  
trustees

20. A board does not cease to exist by reason of the want of trustees.

R.S.O. 1960,  
c. 330, s. 21,  
repealed

**11.** Section 21 of *The Public Schools Act*, as amended by section 3 of *The Public Schools Amendment Act, 1961-62*, section 5 of *The Public Schools Amendment Act, 1964* and section 8 of *The Public Schools Amendment Act, 1965*, is repealed.

R.S.O. 1960,  
c. 330, s. 22,  
repealed

**12.** Section 22 of *The Public Schools Act* is repealed.

R.S.O. 1960,  
c. 330, s. 23,  
repealed

**13.** Section 23 of *The Public Schools Act*, as amended by section 4 of *The Public Schools Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,  
c. 330, s. 24,  
repealed

**14.** Section 24 of *The Public Schools Act*, as amended by section 4 of *The Public Schools Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,  
c. 330,  
ss. 25, 26,  
repealed

**15.** Sections 25 and 26 of *The Public Schools Act* are repealed.

R.S.O. 1960,  
c. 330, s. 27,  
subs. 2  
(1961-62,  
c. 120, s. 5),  
repealed

**16.** Subsection 2 of section 27 of *The Public Schools Act*, as re-enacted by section 5 of *The Public Schools Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,  
c. 330, s. 33,  
re-enacted

**17.** Section 33 of *The Public Schools Act* is repealed and the following substituted therefor:

Voters in  
urban  
school  
section

33. Every person is entitled to vote at the election of trustees and on public school matters in an urban school section whose name is entered on the last revised voters' list as being entitled to vote at municipal elections in the municipality or the part thereof included in the urban school section except persons who are assessed as supporters of separate schools and persons who are entered on such voters' list by reason of being the wife or husband of a person assessed as a supporter of separate schools.

R.S.O. 1960,  
c. 330, s. 35,  
subs. 1,  
repealed

**18.** Subsection 1 of section 35 of *The Public Schools Act* is repealed.

R.S.O. 1960,  
c. 330, s. 36,  
repealed

**19.** Section 36 of *The Public Schools Act* is repealed.

R.S.O. 1960,  
c. 330, s. 37,  
subs. 1,  
amended

**20.**—(1) Subsection 1 of section 37 of *The Public Schools Act* is amended by inserting after "a" in the fourth line "county, district or", so that the subsection shall read as follows:



- (1) Every complaint respecting the validity or mode of conducting the election of a trustee or the return made by a returning officer in an urban municipality or in a township for which a county, district or township school area board has been established shall be made to the judge of the county or district court within twenty days after the election, and he shall, within a reasonable time, in a summary manner hear and determine the complaint, and may cause the assessment rolls, collector's rolls, poll books and other records of the election to be brought before him, and may inquire into the facts by oral testimony or upon affidavit, and may cause such persons as he deems expedient to appear before him and give evidence.

Contro-  
verted  
elections,  
investiga-  
tion of  
complaints  
by judge

- (2) Subsection 3 of the said section 37 is amended by inserting after "a" where it occurs the second time in the third line "county, district or", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 330, s. 37,  
subs. 3,  
amended

- (3) Section 142 of *The Municipal Act* applies *mutatis mutandis* to every election of trustees in an urban municipality or in a township for which a county, district or township school area board has been established and to any proceeding relating to such election.

Application  
of R.S.O.  
1960, c. 249,  
s. 142

- 21.** Section 38 of *The Public Schools Act* is amended by inserting after "a" where it occurs the second time in the second line "county, district or", so that the section shall read as follows:

R.S.O. 1960,  
c. 330, s. 38,  
amended

38. In the case of an election of trustees in an urban municipality or in a township for which a county, district or township school area board has been established, the provisions of *The Municipal Act* as to bribery and undue influence apply, and, in every case in which an election is complained of on those grounds, the inquiry by the judge in reference thereto shall be by oral testimony only.

Bribery  
and undue  
influence

R.S.O. 1960,  
c. 249

- 22.** *The Public Schools Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 330,  
amended

- 39.—(1) Where an improvement district that does not elect public school trustees is included in a county, district or township school area that includes one or more other municipalities or a part or parts thereof, it shall, subject to subsection 2, for the purposes of

Improve-  
ment  
district  
in county,  
district or  
township  
school area

the election of trustees and of voting on school matters and for determining representation on the board of the county, district or township school area, be attached to the municipality, all or part of which is included in the area, with which it has the greatest common boundary, and the secretary-treasurer of the improvement district shall, before an election for such trustees is to be held in any year, prepare and send to the clerk of such municipality a list, signed by him and attested by his declaration, of all persons appearing by the then last revised assessment roll to be entitled to vote on public school matters in the improvement district.

Idem

- (2) Where the improvement district has the same length of boundary with two or more municipalities, it shall, for the purposes of subsection 1, be attached to the municipality having the greatest assessment for public school purposes.

R.S.O. 1960,  
c. 330, s. 40,  
subss. 4, 5  
(1965,  
c. 109, s. 11,  
subs. 1),  
re-enacted

**23.**—(1) Subsections 4 and 5 of section 40 of *The Public Schools Act*, as re-enacted by subsection 1 of section 11 of *The Public Schools Amendment Act, 1965*, are repealed and the following substituted therefor:

Alteration  
of areas

- (4) The council of a county may, by a by-law passed before the 1st day of July in any year,
- (a) add all or part of a township school area to another township school area;
  - (b) add all of an urban school section, except a city or separated town, or all or part of a union school section, except a city or separated town, to a township school area; or
  - (c) add to a township school area part or all of one or more municipalities, except a city or separated town, in an adjoining county or counties if the council or councils of the adjoining county or counties, by resolution, consent thereto within ninety days after the passing of the by-law,

as recommended by the consultative committee.

Inclusion of  
city or  
separated  
town in  
township  
school area

- (4a) The council of a city or separated town in a county, by a by-law passed before the 1st day of July in any year, may attach the city or separated town to an adjoining township school area if, as recommended



by the consultative committee or committees of the county or counties in which all or part of the township school area is situate, the council or councils of such county or counties, by resolution, consent thereto within ninety days of the passing of the by-law.

- (5) Where the average daily attendance of pupils of the public schools in a school section under the jurisdiction of a board is less than 100 in any year, the inspector shall notify the clerk of the county in which the school section is situate and the secretary of the board affected, and the council of the county shall, by by-law passed before the 1st day of July following notice from the inspector, attach, as recommended by the consultative committee, the school section to an adjoining school section, except a city or separated town, in the county or in an adjoining county if the council of the other county has, by resolution, consented thereto or to an adjoining city or separated town if the council of the city or separated town has, by resolution, consented thereto.
- Where attendance less than 100 in any year

(2) Subsection 6a of the said section 40, as enacted by subsection 1 of section 11 of *The Public Schools Amendment Act, 1965*, is amended by striking out "if approval thereto has been given by a resolution passed before the 1st day of September of that year" in the fifteenth and sixteenth lines and inserting in lieu thereof "if consent thereto has been given by a resolution passed within ninety days of the passing of the by-law", so that the subsection shall read as follows:

R.S.O. 1960, c. 330, s. 40, subs. 6a (1965, c. 109, s. 11, subs. 1), amended

- (6a) In the territorial districts, the council of a township that forms all or part of a township school area may, by a by-law passed before the 1st day of July in any year,
- Alteration of areas in territorial districts

- (a) add all or part of a school section in territory without municipal organization to the township school area; or
- (b) add all of an urban school section, except a city, or all or any part of a union school section, except a city, to the township school area; or
- (c) detach any portion of the township school area and attach such portion to another township school area or to a union school section,

if consent thereto has been given by a resolution passed within ninety days of the passing of the by-law, in the case of a school section in territory without municipal organization, by the board of the school section and, in other cases, by the councils of the other municipalities concerned.

R.S.O. 1960,  
c. 330, s. 40a  
(1964,  
c. 95, s. 6),  
subs. 1, 3,  
re-enacted

**24.**—(1) Subsections 1 and 3 of section 40a of *The Public Schools Act*, as enacted by section 6 of *The Public Schools Amendment Act, 1964*, are repealed and the following substituted therefor:

Board of  
township  
school area  
for one  
township

- (1) There shall be a board of five public school trustees for every township school area that includes only the whole of one township or only the whole of one township and a part or parts of one or more other townships where in each part the assessment for public school purposes is less than 10 per cent of the total assessment for public school purposes in the township of which it is a part.

Election  
by ballot

- (3) The election of trustees for a township school area under subsection 1 shall be by ballot in accordance with section 34.

R.S.O. 1960,  
c. 330, s. 40a  
(1964,  
c. 95, s. 6),  
subs. 4,  
re-enacted

(2) Subsection 4 of the said section 40a, as amended by section 12 of *The Public Schools Amendment Act, 1965*, is repealed and the following substituted therefor:

Where part  
of another  
township  
attached  
for voting  
purposes

- (4) Where a township school area includes only the whole of one township and part or parts of one or more other townships as described in subsection 1, such part or parts shall, for the purposes of the election of trustees and of voting on school matters, be attached,

(a) to the township the whole of which is included in the township school area; or

(b) where the election is by wards, to the ward of the township the whole of which is included in the township school area with which it has the greatest common boundary,

and the clerk of the township in which such part is situate shall furnish annually to the clerk of the township to which such part is attached a certified copy of the list of voters qualified to vote on public school matters in that part of the township.

**25.**—(1) Subsection 1 of section 40*b* of *The Public Schools Act*, as enacted by section 6 of *The Public Schools Amendment Act, 1964* and amended by section 13 of *The Public Schools Amendment Act, 1965*, is repealed and the following substituted therefor:

- (1) The board of a township school area, except a township school area referred to in subsection 1 of section 40*a*, shall consist of the number of elected trustees provided for boards of education under subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*, which subsections apply *mutatis mutandis*, provided that,

Board of township school area including more than one municipality  
R.S.O. 1960, c. 330, s. 40*b* (1964, c. 95, s. 6), subs. 1, amended  
R.S.O. 1960, c. 362

- (a) where the number of trustees is fewer than five or more than nine, the Minister, on the request of a majority of the councils of the municipalities concerned, may determine the number of trustees to be elected in each municipality and their terms of office;
- (b) the municipality or municipalities that have more than one-half of the assessment for public school purposes in the township school area, as shown by the last revised assessment roll, shall be deemed to be a majority for the purpose of clause *a*; and
- (c) where a part of a township is included in a township school area and the assessment for public school purposes in such part is less than 10 per cent of the total assessment for public school purposes in the township, such part shall not be deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*.

(2) Where trustees of the board of a township school area have been elected to hold office for the years 1966 and 1967, subsection 1 of section 40*b* of *The Public Schools Act*, as re-enacted by subsection 1, applies only to the election of trustees of the board to take office in the year 1968 and thereafter.

Application of subs. 1 to election of trustees holding office for 1966 and 1967

**26.**—(1) Subsection 1 of section 40*c* of *The Public Schools Act*, as enacted by section 6 of *The Public Schools Amendment Act, 1964*, is repealed.

R.S.O. 1960, c. 330, s. 40*c* (1964, c. 95, s. 6), subs. 1, repealed

(2) Subsection 3 of the said section 40*c* is repealed and the following substituted therefor:

R.S.O. 1960, c. 330, s. 40*c* (1964, c. 95, s. 6), subs. 3, re-enacted



Enlarged  
adminis-  
trative area

- (3) Every township school area is an enlarged administrative area.

R.S.O. 1960,  
c. 330, s. 40c,  
subs. 10  
(1965,  
c. 109, s. 14,  
subs. 2),  
amended

- (3) Subsection 10 of the said section 40c, as enacted by subsection 2 of section 14 of *The Public Schools Amendment Act, 1965*, is amended by striking out "townships" in the ninth line and inserting in lieu thereof "municipalities" and by striking out "township" in the thirteenth line and inserting in lieu thereof "municipality", so that the subsection shall read as follows:

Parts not  
rated for  
trustee,  
attached to  
another  
municipality  
for voting  
purposes  
R.S.O. 1960,  
c. 362

- (10) Each part of a township that is included in a township school area but that is not deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act* shall, for the purposes of the election of trustees and of voting on school matters, be attached to the township in which the township school area is formed or, where the township school area includes all of two or more municipalities, it shall be attached for such purposes, by resolution, by the public school consultative committee of the county in which the township school area or the part of the township school area having the greatest assessment is located, to a municipality all or part of which is in the township school area.

R.S.O. 1960,  
c. 330, s. 41,  
subs. 7,  
amended

- 27.** Subsection 7 of section 41 of *The Public Schools Act* is amended by inserting after "40" in the third line "40c", so that the subsection shall read as follows:

Application  
of ss. 21-23,  
40, 40c,  
56-61

- (7) For the purposes of township school areas formed under this section, and except as to matters provided for in this section, sections 21 to 23, 40, 40c and 56 to 61 apply *mutatis mutandis*.

R.S.O. 1960,  
c. 330, s. 42,  
amended

- 28.** Section 42 of *The Public Schools Act* is amended by adding thereto the following subsection:

Liability  
for debenture  
debt on  
alteration of  
boundaries  
of school  
section

- (8) Where there is a debenture debt for public school purposes in a school section when the boundaries of the school section are altered, and property taxable for public school purposes included therein is, by reason of such alteration, attached to another school section, the referee appointed to adjust the rights in respect of such alteration may require the board of the school section to which the property was attached to pay such portion of the interest and principal of the debenture debt as is determined by the referee.

**29.** Section 45, as amended by section 12 of *The Public Schools Amendment Act, 1961-62*, section 7 of *The Public Schools Amendment Act, 1964* and section 16 of *The Public Schools Amendment Act, 1965*, and section 46 of *The Public Schools Act* are repealed and the following substituted therefor: R.S.O. 1960.  
c. 330, s. 45,  
re-enacted;  
s. 46,  
repealed

- 45.—(1) A union school section may comprise an urban municipality and part or parts of one or more adjoining township municipalities and shall be deemed to be an urban school section. Union  
school  
sections
- (2) The council of a county may, by by-law passed before the 1st day of July in any year, form, alter or dissolve a union school section that includes an urban municipality, except a city or separated town, as recommended by the public school consultative committee. In counties
- (3) The council of a city or separated town in a county may, by by-law passed before the 1st day of July in any year, form, alter or dissolve a union school section that includes the city or separated town and part or parts of one or more adjoining townships if the council of the county in which such part or parts are situate, by resolution, consents thereto within ninety days after the passing of the by-law. Including  
city or  
separated  
town
- (4) Where a by-law is passed under subsection 2 or 3 forming, altering or dissolving a union school section that includes part or parts of one or more townships in a county adjoining the county, city or separated town that passed the by-law, the by-law shall not be effective unless the council of the adjoining county, by resolution, consents thereto within ninety days after the passing of the by-law. Parts of  
townships  
in adjoining  
counties
- (5) In any year, the council of a city in a territorial district or the council of a town or village in a territorial district that had in the preceding year a population of 1,000 or more and the average daily attendance of pupils residing in the town or village was 100 or more in the preceding year may, by by-law passed before the 1st day of July in any year, form, alter or dissolve a union school section, as recommended by the public school consultative committee, if the council of each township, part of which is included in the union school section, by resolution, consents thereto within ninety days after the passing of the by-law. In  
territorial  
districts



Effective  
date of  
by-laws

- (6) A by-law passed under subsection 2, 3 or 5 comes into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister.

Adjustment  
of claims

- (7) The rights and claims between school sections included in or affected by the formation, alteration or dissolution of a union school section shall be determined in the manner provided with respect to a township school area under subsections 1 to 6 of section 42, which provisions apply *mutatis mutandis*.

Apportion-  
ment of  
annual  
requisition

- (8) In the year in which a union school section is formed or altered and thereafter, the annual requisition of the board for school purposes shall be apportioned in accordance with section 55.

R.S.O. 1960,  
c. 330, s. 47,  
re-enacted

**30.** Section 47 of *The Public Schools Act* is repealed and the following substituted therefor:

Corporate  
name of  
board

47. The board of trustees of a union school section is a corporation by the name of "The Union Public School Board of (*insert name of urban municipality*)".

R.S.O. 1960,  
c. 330,  
ss. 48-52,  
repealed

**31.** Sections 48, 49, 50, 51 and 52 of *The Public Schools Act* are repealed.

R.S.O. 1960,  
c. 330, s. 53,  
re-enacted

**32.** Section 53 of *The Public Schools Act* is repealed and the following substituted therefor:

List of  
voters in  
part of  
township  
in union  
school  
section

- 53.—(1) The clerk of a township any part of which is included in a union school section shall furnish to the clerk of the urban municipality in the union school section a certified copy of so much of the last revised voters' list of the township as contains the names of persons qualified to vote on public school matters in the part of the township included in the union school section.

Where  
electors of  
part of  
township in  
union school  
section to  
vote

- (2) Where the urban municipality in a union school section is divided into wards, the part of an adjoining township that is included in the union school section shall, for the purposes of the election of trustees and of voting on school matters, be attached to the ward with which such part has the greatest common boundary unless the board of the union school section by resolution determines in which ward or wards the electors of such part of the township shall vote.

**33.** Subsection 2, as re-enacted by section 13 of *The Public Schools Amendment Act, 1961-62*, and subsection 4 of section 54 of *The Public Schools Act* are repealed.

R.S.O. 1960,  
c. 330, s. 54,  
subs. 2  
(1961-62,  
c. 120, s. 13),  
subs. 4,  
repealed

**34.**—(1) Subsection 1 of section 55 of *The Public Schools Act*, as re-enacted by subsection 1 of section 17 of *The Public Schools Amendment Act, 1965*, is amended by striking out “Except in the case of union school sections established under section 46” in the first and second lines and inserting in lieu thereof “In union school sections”.

R.S.O. 1960,  
c. 330, s. 55,  
subs. 1  
(1965,  
c. 109, s. 17,  
subs. 1),  
amended

(2) Subsection 3 of the said section 55, as re-enacted by subsection 1 of section 17 of *The Public Schools Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 330, s. 55,  
subs. 3  
(1965,  
c. 109, s. 17,  
subs. 1),  
re-enacted

(3) The meeting of the treasurers shall be called by the treasurer of the urban municipality in the union school section.

Meeting of  
treasurers

(3) Subsection 6 of the said section 55, as re-enacted by subsection 2 of section 17 of *The Public Schools Amendment Act, 1965*, is amended by striking out “in whose inspectorate the school of the union school section is situate” in the second, third and fourth lines and inserting in lieu thereof “of the union school section”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 330, s. 55,  
subs. 6  
(1965,  
c. 109, s. 17,  
subs. 2),  
amended

(6) If the treasurers do not reach a decision on or before the 1st day of December, the inspector of the union school section and the treasurers shall be arbitrators and shall determine the matter and report to the secretary of the board and to the clerk of each municipality on or before the 31st day of December.

Arbitration  
where  
treasurers  
do not reach  
a decision

(4) Subsection 11 of the said section 55, as enacted by subsection 2 of section 5 of *The Public Schools Amendment Act, 1960-61*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 330, s. 55,  
subs. 11  
(1960-61,  
c. 82, s. 5,  
subs. 2),  
re-enacted

(11) Where a part of a union school section or a county, district or township school area in a municipality is also in a high school district, and another part of the union school section or county, district or township school area is in an adjoining municipality that does not form part of a high school district, and the high school board is furnishing transportation for its resident pupils, the public school board of the union school section or county, district or township school area may furnish transportation for secondary school pupils whose parents or guardians are public

Levy for  
transporta-  
tion costs  
for high  
school pupils  
resident in  
part of  
school  
section not  
in high  
school  
district

school supporters and who reside in the part of the union school section or county, district or township school area that is not in the high school district and may require the council of such adjoining municipality to levy the cost of the transportation for the preceding year, less the legislative grant paid thereon, on the taxable property of the public school supporters in that part of the union school section or county, district or township school area.

R.S.O. 1960,  
c. 330, s. 56,  
subs. 1,  
amended

**35.**—(1) Subsection 1 of section 56 of *The Public Schools Act* is amended by inserting after “a” in the third line “rural”, so that the subsection shall read as follows:

Formation  
of rural  
school  
sections in  
territory  
without  
municipal  
organization

- (1) Subject to the approval of the Minister, the inspector may form any part of territory without municipal organization into a rural school section.

R.S.O. 1960,  
c. 330, s. 56,  
amended

- (2) The said section 56 is amended by adding thereto the following subsection:

Persons not  
British  
subjects not  
entitled to  
vote

- (5a) A person who is not a British subject is not entitled to vote at an election of trustees or upon any school question in a rural school section.

R.S.O. 1960,  
c. 330,  
amended

**36.** *The Public Schools Act* is amended by adding thereto the following sections:

Elections  
in new  
rural  
school  
sections

- 56a.—(1) At the first election in every new rural school section, the first trustee elected shall hold office for three years, the second for two years, and the third for one year, or in case of a poll being taken the trustee receiving the highest number of votes shall hold office for three years, the trustee receiving the number of votes next to the highest shall hold office for two years, and the other trustee shall hold office for one year.

Determina-  
tion where  
equal  
number  
of votes

- (2) Where two or more candidates for the office of trustee receive an equal number of votes, the chairman of the meeting shall give a casting vote or provide for the drawing of lots to determine which of the candidates is elected.

When first  
year  
deemed to  
commence  
and end

- (3) The first year in each case shall be deemed to commence at the date of such first election and extend until the date fixed by section 56b for holding the second annual meeting of ratepayers thereafter.

Annual  
meeting,  
in rural  
school  
sections,  
when held

- 56b.—(1) A meeting of the electors of every rural school section for the purpose among other things of electing



trustees shall be held annually on the last Wednesday in December, or, if that day is a holiday, on the next day following, commencing at the hour of 10 o'clock in the forenoon, or, if the board by resolution so directs, at the hour of 1 o'clock or 8 o'clock in the afternoon, at such place as the board by resolution determines, or, in the absence of such resolution, at the schoolhouse of the rural school section.

- (2) Where the annual meeting of electors cannot conveniently be held as provided for in subsection 1, the electors, at a regular meeting or at a special meeting called for that purpose, may pass a resolution naming another day for the holding of the annual meeting, and, upon receiving the Minister's approval, the annual meeting shall be held on that day in each year thereafter, unless with the Minister's approval some other day is similarly named; provided that no subsequent alteration of the day for holding the annual meeting may be made until at least three annual meetings have been held on the day previously named and approved. Idem
- (3) When any school meeting has not been held on the proper date, the inspector, or any two electors in the section, may call a meeting of the electors by giving six clear days notice, to be posted up in at least three of the most public places in the rural school section, and the meeting so called has all the powers and shall perform all the duties of the meeting in the place of which it is called. Meeting to be called in default of first or annual meeting
- (4) The electors present at a school meeting shall elect one of their number as chairman and shall appoint a secretary who shall record the minutes of the meeting and perform such other duties as are required of him by this Act. Organization of meeting
- (5) The chairman shall submit all motions to the meeting in the manner desired by the majority and is entitled to vote on any motion, and in case of a tie the motion shall be declared to be negatived, and he shall decide all questions of order, subject to an appeal to the meeting. Chairman, duties of
- (6) The business of every school meeting may be conducted in the following order: Order of business
  1. Receiving and disposing of the annual report of the trustees.

2. Receiving a report from the trustees on the insurance on the buildings and equipment.
3. Receiving and disposing of the last annual report of the municipal auditor.
4. Where the ratepayers have provided for a local audit, receiving and disposing of the report of the local auditors.
5. If deemed necessary, providing for a local audit and the election of a local auditor for the ensuing year.
6. Miscellaneous business.
7. The election of trustees.

Special  
meeting,  
when to  
be held

- (7) Where a special meeting of the electors of a rural school section is called, the meeting shall be held at the hour of 10 o'clock in the forenoon, or, if the board by resolution so directs, at the hour of 1 o'clock in the afternoon or 8 o'clock in the afternoon, at such place as the board shall by resolution determine, or, in the absence of such resolution, at the schoolhouse of the rural school section.

Vacancies  
on board

- (8) Where a vacancy occurs from any cause in the office of trustee, the remaining trustees shall forthwith hold a new election to fill the vacancy in the manner provided for holding the annual election of trustees, and the person elected shall hold office for the remainder of the term for which his predecessor was elected.

Where one  
trustee or  
no trustees

- (9) If at any time there are no trustees or only one trustee, any two electors of the rural school section, or the inspector, by giving six days notice posted up in at least three public places in the rural school section, may call a meeting of the electors who shall elect three or two trustees, as the case may be, in the manner provided in this section.

When tie  
vote

- (10) When, at a regular annual meeting or at a special meeting called to fill a vacancy or vacancies, two or more candidates for the office of trustee receive an equal number of votes, the chairman of the meeting shall give a casting vote or provide for the drawing of lots to determine which of the candidates is elected.



- 56c.—(1) A poll may be demanded by any two electors at a meeting for the election of trustees or for the settlement of any school question in a rural school section, and the poll shall be granted by the chairman forthwith if demanded within ten minutes after the result of a vote has been declared by the chairman. Granting  
poll in rural  
school  
section
- (2) Where a poll is granted, the secretary shall enter in a poll book the name and residence of each elector offering to vote within the time prescribed and shall furnish him, at the time of voting, with a ballot paper on the back of which he has placed his initials, and shall provide a pencil for the marking of the ballot paper. Entry in  
poll book
- (3) Ballot papers shall be pieces of plain white paper of uniform size. Form of  
ballot paper
- (4) A voter shall mark his ballot, Marking  
of ballot  
paper
- (a) in the election of a trustee, by marking the name of the trustee thereon; and
- (b) on a question, by marking the word "for" or "against" thereon.
- (5) Each voter shall mark his ballot paper in a compartment or other place provided for the purpose that is so arranged that the manner in which he marks his ballot is not visible to other persons and shall thereupon fold it so that the initials of the secretary can be seen without opening it and hand it to the secretary who shall, without unfolding it, ascertain that his initials appear upon it and shall then in full view of all present, including the voter, place the ballot in a ballot box or other suitable container that has been placed and is kept upon a table for the purpose. Manner of  
voting
- (6) Every candidate may appoint a person to act as his scrutineer during the election. Appoint-  
ment of  
scrutineer
- (7) If objection is made to the right of any person to vote, the chairman, if the name of the person appears on the assessment roll, shall require the person to make the following declaration: Right  
to vote  
objected to
1. I, A.B., declare and affirm that I am an assessed ratepayer in rural school section.....; or that I am the wife or husband of an assessed ratepayer in rural school section.....;

2. That I am of the full age of twenty-one years;
3. That I am a British subject;
4. That I am a supporter of the public school in rural school section.....; *or* that I am the wife *or* husband of a supporter of the public school in rural school section.....;
5. That I have a right to vote at this election (*or* on the question submitted to this meeting),

and after making such declaration the person making it is entitled to vote.

When poll  
shall close

- (8) The poll shall not close before noon, but may close at any time thereafter when a full hour elapses without any vote being polled, and shall not be kept open later than 4 o'clock in the afternoon.

Polling at  
evening  
meeting

- (9) When the meeting is held in the evening, the electors may decide, by resolution, that the poll shall be conducted forthwith or at 10 o'clock on the following morning, and, if conducted in the evening, the poll shall close after ten minutes have elapsed without any vote being recorded.

Counting  
votes, deter-  
mination in  
case of tie

- (10) When a poll is closed, the secretary shall count the votes and,
  - (a) in the case of a tie vote with respect to the election of two or more candidates, the chairman shall give a casting vote or provide for drawing lots to determine which of the candidates is elected; and
  - (b) in the case of a tie vote on a question, the vote shall be deemed to be negative.

Declaration  
of result

- (11) In the case of an election of trustees, the chairman shall declare the candidate elected for whom the highest number of votes has been polled, and in case of a vote on a school question he shall declare the question adopted or negatived as the majority of votes is in favour of or against the question.

Copy of  
minutes and  
of poll  
book to  
inspector

- (12) A correct copy of the minutes of every school meeting and a copy of the poll book, where a poll has been taken, all of which shall be signed by the chairman and secretary, shall be forthwith transmitted by the chairman to the inspector.

- (13) A statement of the result of the vote shall be certified by the chairman and secretary and, in the case of an election of trustees, the statement shall be signed by any scrutineers present at the counting of the ballots, and a copy thereof shall be delivered or mailed to each candidate. Statement of result of vote
- (14) Every person upon receiving notice that he has been elected trustee shall be deemed to have accepted the office unless a notice to the contrary is delivered by him to the chairman within twenty days after the election. Acceptance of office of trustee
- (15) Where complaint is made to the inspector by an elector that the proceedings for the election of a trustee or that the proceedings or any part thereof of a school meeting have not been in conformity with this Act, the inspector shall investigate the complaint and confirm the election or proceedings if found to be in substantial accordance with this Act, or set the same aside if found not to be in substantial accordance therewith, and in the latter event he shall appoint a time and place for a new election or for the reconsideration of the school question, but no complaint shall be entertained unless made in writing to the inspector within twenty days after the holding of the election or meeting, and it is not incumbent upon the inspector to set aside such election or any proceeding for want of formal compliance with this Act if he is satisfied that the result of such election or proceeding has not been affected thereby. Complaints as to elections
- 56d.—(1) It is the duty of the secretary of a rural school section, Duties of secretary of rural school section:
- (a) to call a special meeting of the board at the request in writing of two trustees or of five electors, specifying the objects for which the meeting is to be held, and to state the objects of the meeting in the notice calling the meeting; calling special meetings
  - (b) to give notice in writing, before the 15th day of January in each year, to the inspector of the names and post office addresses of the trustees and of the teachers employed, and to give reasonable notice in writing from time to time of any changes; names and addresses of trustees and teachers to be given to inspector



notice of  
annual  
meeting  
and meet-  
ings to fill  
vacancies in  
board, etc.

- (c) to give the notice required by this Act of each annual meeting of the ratepayers of the rural school section, to call a special meeting of the ratepayers when directed by the board, or, on the request in writing of five electors, for filling any vacancy in the board, for the selection of a new school site, or the appointment of a school auditor, or for any other lawful school purpose, and to cause notices of the time and place and of the objects of the meeting to be posted up in three or more public places in the rural school section at least six clear days before the time of holding the meeting; and

report at  
annual  
meeting

- (d) to cause to be prepared for the annual meeting of the ratepayers a report for the year then ending, to be signed by the trustees and by either or both of the auditors of the rural school section, containing a summary of the proceedings of the board during the year, a detailed account of all school moneys received and expended during the year and any further information that may be required by the Minister or by the regulations.

Compensa-  
tion of  
secretary  
who is  
also trustee

- (2) Where the secretary of a rural school section is a trustee, the board may pay only such compensation for his services as is approved by the electors at an annual or special meeting of electors.

Local  
auditors of  
rural schools  
R.S.O. 1960,  
c. 249

- 56e.—(1) In addition to the audit required under *The Municipal Act*, the ratepayers of a rural school section at an annual or special meeting held before the 15th day of December may provide for a local audit of the school accounts, and, when a local audit is provided for, there shall be two auditors, one of whom shall be elected by the ratepayers and the other appointed by the school board before the 15th day of December.

Filling  
vacancies

- (2) Where an auditor refuses or is unable to act or dies, another auditor may be elected or appointed in his place.

Appoint-  
ment by  
inspector

- (3) If from any cause at any time after the 1st day of December there are not two auditors willing, able and authorized to act, the inspector on the written request of any two ratepayers shall appoint one or both auditors as the case may require.

- (4) The board or the secretary and treasurer shall lay all accounts before the school auditors or one of them, together with the agreements, vouchers, contracts and books in their possession, and the board and the secretary and treasurer and each of them shall afford to the auditors all the information in his or their power as to the receipts and expenditures that the auditors or either of them may require. Trustees and secretary-treasurer to lay accounts, etc., before auditors
- (5) The auditors, or one of them, shall on or immediately after the 1st day of December in each year appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the rural school section. Time of audit
- (6) It is the duty of the auditors to examine into and decide upon the accuracy of the accounts of the rural school section, and whether the board has duly expended for school purposes and accounted for the moneys received by it, and to submit the accounts with a full report thereon at the next annual school meeting. Duties of auditors
- (7) Any difference of opinion between the auditors on any matter in the accounts shall be decided by the inspector. Differences between auditors
- (8) If both auditors object to the lawfulness of any expenditure, they shall report the matter to the annual meeting and shall submit such matter to the Minister, whose decision is final. Report of objection
- (9) The auditors or either of them may require the attendance of all persons interested in the accounts, and of their witnesses, with such books, papers and documents as the auditor or auditors may direct, and may administer oaths to such persons and witnesses. Powers of auditors
- (10) An auditor who has entered upon an audit may complete the audit although he has not done so within the time prescribed by this Act. May complete audit after time prescribed

**37.** Section 57 of *The Public Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 330, s. 57, amended

- (4) Notwithstanding subsections 2 and 3, where a district assessor is the assessor for a rural school section and a court of revision has been constituted for the rural school section by the Minister of Municipal Affairs, the appeals from assessments under section 58 shall be heard by such court of revision. Court of revision where district assessor



R.S.O. 1960,  
c. 330, s. 58,  
subs. 1,  
amended

**38.**—(1) Subsection 1 of section 58 of *The Public Schools Act* is amended by adding at the commencement thereof "Subject to section 104 of *The Assessment Act*", so that the subsection shall read as follows:

Annual  
assessment  
roll  
R.S.O. 1960,  
c. 23

- (1) Subject to section 104 of *The Assessment Act*, the board shall, annually, at their first meeting, and not later than the 1st day of March in each year, appoint an assessor, who may be one of themselves, to prepare an assessment roll for the school section, and the secretary shall submit a certified copy of the roll to the proper court for revision.

R.S.O. 1960,  
c. 330, s. 58,  
subs. 3,  
re-enacted

(2) Subsection 3 of the said section 58 is repealed and the following substituted therefor:

Notice of  
assessment

- (3) The assessor shall notify every person assessed by leaving a notice containing the particulars of his assessment at his residence or place of business or by mailing it addressed to him at his residence or place of business, or, if a non-resident, by mailing the notice to his last known address, or, if his address is unknown, by posting up the notice in the post office nearest to the land assessed.

R.S.O. 1960,  
c. 330, s. 58,  
subs. 8,  
amended

(3) Subsection 8 of the said section 58 is amended by striking out "sent by registered mail" in the third line and inserting in lieu thereof "mailed", so that the subsection shall read as follows:

Posting  
up notice

- (8) The notice shall be posted up for at least three weeks before the time appointed for hearing the appeals, and shall be mailed to the last known addresses of non-resident ratepayers.

R.S.O. 1960,  
c. 330, s. 58,  
subs. 10, 11,  
re-enacted

(4) Subsections 10 and 11 of the said section 58 are repealed and the following substituted therefor:

Notice of  
appeal

- (10) The notice of appeal shall be given to the secretary within fourteen days after the day upon which the roll is required by law to be returned, or within fourteen days after the return of the roll, in case the roll is not returned within the time fixed for that purpose.

Court clerk

- (11) The court may appoint a competent person to be its clerk for each school section or for all the school sections, but, where a district assessor is the assessor for a rural school section, the secretary of the school section or some person designated by him shall be the clerk of the court, and the clerk shall keep in a

book a record of the proceedings and decisions of the court, which shall be certified by the chairman of the court.

**39.**—(1) Subsection 1 of section 63 of *The Public Schools Act* is amended by inserting after "a" in the second line "county, district or", so that the subsection shall read as follows: R.S.O. 1960,  
c. 330, s. 63,  
subs. 1,  
amended

(1) Subject to the approval of the Ontario Municipal Board, the sums required by an urban board or a county, district or township school area board for permanent improvements may be raised on the application of the board by the issue of municipal debentures as provided herein. Debentures  
for  
permanent  
improve-  
ments

(2) Subsection 12 of the said section 63 is amended by inserting after "municipality" in the first line "or county", so that the subsection shall read as follows: R.S.O. 1960,  
c. 330, s. 63,  
subs. 12,  
amended

(12) Where a municipality or county has raised money for the purposes of a board by the issue and sale of debentures, or by the hypothecation of debentures or temporary financing pending the sale of debentures, it shall pay over such money to the board from time to time as the board may require. Payments  
to boards

(3) Subsection 13 of the said section 63 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 330, s. 63,  
subs. 13,  
re-enacted

(13) The corporation of each other municipality, all or part of which forms part of the school section, shall, on the requisition of the clerk of the municipality that issued the debentures, pay its share of the loan, including interest as it becomes due, according to its liability as determined under section 55. Municipality  
forming  
part of  
school  
section to  
pay its  
proportion

**40.** *The Public Schools Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 330,  
amended

**63a.**—(1) Where in a county school area an application made under subsection 2 of section 63 has been approved under subsection 4 thereof or a majority of the votes is in favour of the application under subsection 7 thereof, and the councils of a majority of the municipalities which or part of which are included in the area by resolution request the council of the county in which the school is or is to be situated to raise the entire sum required by the issue of its debentures, such county council may without the assent Request for  
county to  
issue  
debentures

R.S.O. 1960,  
cc. 249, 362

of the electors issue the debentures in the manner provided by *The Municipal Act*, and the provisions of section 35 of *The Secondary Schools and Boards of Education Act* apply *mutatis mutandis*, except that, if such debentures are issued by the county, each municipality shall pay its proportion to the county.

Considera-  
tion by  
county  
council

- (2) The county council shall consider the request at its next meeting following the receipt thereof, and, if the county council refuses the request or neglects to make a decision at such meeting, the provisions of section 63 apply.

Where  
county must  
comply

- (3) Notwithstanding subsections 1 and 2, where a request is made under subsection 1 and the county school area comprises more than one-half of the equalized assessment, or more than one-half of the municipalities, of the county in which the school is or is to be situated, the council of the county shall issue the debentures.

R.S.O. 1960,  
c. 330, s. 65,  
repealed

**41.** Section 65 of *The Public Schools Act*, as amended by section 16 of *The Public Schools Amendment Act, 1961-62* and section 10 of *The Public Schools Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,  
c. 330, s. 69,  
subss. 1, 2,  
re-enacted

**42.** Subsections 1 and 2 of section 69 of *The Public Schools Act* are repealed and the following substituted therefor:

Levy of  
sums  
required  
by boards

- (1) The council of each municipality shall levy and collect upon the taxable property of the public school supporters of each school section or part of a school section within the municipality, in the manner provided in this Act and in *The Municipal Act* and *The Assessment Act*, such sums as may be required by the board or boards of such school section or sections for school purposes, and shall pay them to the treasurer or treasurers of the board or boards from time to time as may be required by the board or boards.

R.S.O. 1960,  
cc. 249, 23

Sums  
payable  
to board

- (2) The sums payable by a municipality to the board of a school section are payable out of moneys raised upon the taxable property of the public school supporters in the school section or the part thereof lying within the municipality.

R.S.O. 1960,  
c. 330, s. 70,  
repealed

**43.** Section 70 of *The Public Schools Act* is repealed.



**44.** Subsection 3 of section 74 of *The Public Schools Act*, R.S.O. 1960, c. 330, s. 74, as amended by subsection 2 of section 9 of *The Public Schools Amendment Act, 1964*, is further amended by striking out "that is not a township school area" in the first and second lines, so that the subsection, exclusive of the clauses, shall read as follows:

- (3) A public school board of a rural school section shall, Duties of rural board:

**45.** Section 76, as amended by section 18 of *The Public Schools Amendment Act, 1961-62*, section 13 of *The Public Schools Amendment Act, 1962-63* and section 11 of *The Public Schools Amendment Act, 1964*, and sections 77 and 78 of *The Public Schools Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 330, ss. 76-78, re-enacted

- 76.—(1) Where a by-law providing for the formation, alteration or dissolution of a school section requires the consent of a board or of the council of a municipality or county to be effective and the board or council neglects or refuses to pass a resolution consenting to such by-law, the council of the municipality or county that passed the by-law may, within twenty days after the time for passing such resolution has expired, submit the matter to a board of arbitration consisting of the judge of the county that passed the by-law or the judge of the county or territorial district in which the municipality that passed the by-law is situate, or some person named by him, and one representative appointed by the council of the municipality or county that passed the by-law and one appointed by each board or council that is required to consent to the by-law, and the board of arbitration shall determine whether or not such by-law should be approved, and, if the decision of a majority of the arbitrators approves the by-law, the resolution or resolutions that are required to be passed for the by-law to be effective shall be deemed to have been passed. Board of arbitration
- (2) The council of the municipality or county may submit the matter to arbitration by giving notice thereof to the inspector, to the judge and to each board, municipality and county that is required to consent to the by-law in question. Notice of arbitration

- (3) Upon receipt of the notice submitting a matter to arbitration, Appointment of arbitrators

(a) the judge shall notify the inspector of his willingness to act as arbitrator or he shall appoint some person to act in his stead and shall notify the inspector of such appointment; and

(b) the board or the council of the municipality or county shall, at its first meeting after receiving the notice, appoint an arbitrator and forthwith notify the inspector of such appointment.

First  
meeting,  
chairman

(4) When the board of arbitration is complete, the judge or his nominee shall convene the first meeting of the board and he shall be chairman thereof.

Who may be  
arbitrator

(5) No person shall be appointed as an arbitrator who is a member of the council that passed the by-law or who is a member of a board or council that is required to consent to the by-law.

Approval of  
by-laws  
forming or  
altering  
school areas

77. A by-law to form or alter a county, district or township school area shall not be approved by the Minister within the period from the 15th day of October to and including the 31st day of December of the year in which the by-law is passed.

Proceedings  
not invalid  
unless sub-  
stantial  
injustice

78.—(1) No proceeding with respect to the formation, alteration or dissolution of a school section and no arbitration or award with respect to any matter that by this Act may be determined by arbitration is invalid or shall be set aside because of failure to comply with the provisions of this Act applicable to the proceeding, arbitration or award, unless, in the opinion of the tribunal before which the proceeding, arbitration or award is called in question, the proceeding, arbitration or award, if allowed to stand, would cause substantial injustice to be done to any person affected thereby.

Questions  
to be deter-  
mined by  
judge of  
county or  
district  
court

(2) If any question arises touching the validity of any proceeding with respect to the formation, alteration or dissolution of a school section or touching any by-law, arbitration or award with respect to any of such matters, the question shall be raised, heard and determined upon a summary application to the judge of the county or district court of the county or district in which the school section or some part thereof is situate.



- (3) Where the question touches an arbitration or award to which the judge has been a party, such application shall be heard and determined by the judge of the county or district court of the adjoining county or district that has the greatest population according to the last federal census. Appeals where judge is arbitrator

**46.** Section 79 of *The Public Schools Act* is repealed. R.S.O. 1960, c. 330, s. 79, repealed

**47.** Section 81 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 81, re-enacted

81. A by-law of a municipality or county for forming, altering or dissolving a school section and an award made by arbitrators in relation thereto are valid and binding, notwithstanding any defect in substance or form or in the manner or time of passing or making, unless an application to quash the by-law or to set aside the award has been made within one month after the clerk of the municipality or county has received notice from the Minister that he has approved the by-law. By-laws and awards valid unless application to quash made

**48.** Section 83 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 83, re-enacted

83. The clerk of every municipality shall furnish to each board and inspector having jurisdiction in the municipality or any part thereof such information as may be requested with respect to population and the assessment and collector's roll, and the cost of preparing a statement including such information shall be paid by the board that requested it. Clerk to give information to board and inspector

**49.—(1)** This Act, except sections 3, 4, 19, 23 and 30, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 3, 4 and 23 shall be deemed to have come into force on the 1st day of January, 1966. Idem

(3) Sections 19 and 30 come into force on the 1st day of January, 1967. Idem

**50.** This Act may be cited as *The Public Schools Amendment Act, 1966*. Short title





An Act to amend The Public Schools Act

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*1st Reading*

June 7th, 1966

*2nd Reading*

June 13th, 1966

*3rd Reading*

June 23rd, 1966

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MR. DAVIS

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# **BILL 155**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **The Public Libraries Act, 1966**

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**MR. DAVIS**

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#### EXPLANATORY NOTE

*The Public Libraries Act* is revised and brought up to date. This Act, although it has been amended a number of times, has not been revised since 1920.

Hereafter, public libraries may be established only for municipalities, and those that were established for police villages and school sections will be taken over by the municipalities in which the libraries are located.

Part II provides for the establishment of the Ontario Provincial Library Council and for the appointment of a Director of Provincial Library Service.

Part III provides for the establishment of regional library systems and for the dissolution of present public library associations and the assumption by the regional library boards of the assets and liabilities of such associations.

Part IV provides for the establishment of county libraries and for the continuation of county library co-operatives until such time as county libraries are established. When county library boards are established in areas in which the co-operatives are located, the co-operatives will be dissolved and their assets and liabilities assumed by the county library boards.

**BILL 155** **1966**

**The Public Libraries Act, 1966**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "board" in Part I means a public library board, in Part II means any board established under this Act or a predecessor of this Act, in Part III means a regional library system board and in Part IV means a county library board;
- (b) "Department" means the Department of Education;
- (c) "Minister" means the Minister of Education;
- (d) "municipality" means a city, town, village, township or improvement district;
- (e) "regulations" means the regulations made under this Act or *The Department of Education Act*. R.S.O. 1960, c. 325, s. 1, amended. R.S.O. 1960,  
c. 94

PART I

PUBLIC LIBRARY SERVICE

**2.—(1)** Subject to subsections 2 and 3, every public library established under a predecessor of this Part that is being operated immediately before this Act comes into force is continued subject to this Part. R.S.O. 1960, c. 325, ss. 2, 50, amended. Public  
libraries  
continued

(2) Where a public library heretofore established for a school section is being operated immediately before this Act comes into force, the council of the municipality in which Public  
libraries  
established  
for school  
sections

the public library of the school section is situate shall establish a public library, and, on the day the board for such public library is organized, the public library board of the school section is dissolved and its assets and liabilities become assets and liabilities of the public library board of the municipality.

Public  
libraries  
established  
for police  
villages

(3) Where a public library heretofore established for a police village is being operated immediately before this Act comes into force, the council of the municipality in which the public library of the police village is situate shall establish a public library, and, on the day the board for such public library is organized, the public library board of the police village is dissolved and its assets and liabilities become assets and liabilities of the public library board of the municipality, and, if the police village is situate in two or more municipalities, the public library established for the municipality shall be open to all persons who reside in the police village as if they resided in the municipality.

Public  
libraries in  
school  
sections in  
unorganized  
territory  
continued

(4) Every public library heretofore established for a school section in territory without municipal organization that is being operated immediately before this Act comes into force is continued until it is disestablished upon a petition signed by a majority of the public and separate school supporters in the school section filed with the secretary of the public school board of the school section, and, when so disestablished, the assets of the public library board shall be distributed as the Minister may direct. *New.*

Public  
libraries,  
establish-  
ment

**3.**—(1) The council of a municipality and the trustees of an improvement district may by by-law establish a public library. R.S.O. 1960, c. 325, s. 3, *amended.*

Effective  
date

(2) A by-law passed in any year for the establishment of a public library shall become effective on the 1st day of January of the following year. *New.*

Board

(3) Every public library shall be under the management, regulation and control of a board, which is a corporation under the name of "The (*insert name of municipality*) Public Library Board". R.S.O. 1960, c. 325, s. 13, *amended.*

Quali-  
fications of  
members of  
board

**4.** A person is qualified to be appointed as a member of a board who,

(a) is a Canadian citizen;

(b) is of the full age of twenty-one years;

(c) is resident in a municipality for which the board is established; and



- (d) is not a member of any one of the bodies entitled to make an appointment to the board. R.S.O. 1960, c. 325, s. 14, *amended*.

5.—(1) The board of an urban municipality having a population of 10,000 or more shall be composed of the mayor or reeve and three members appointed by the council, three members appointed by the public school board or board of education having jurisdiction in the municipality, and two members appointed by the separate school board, if any, for the municipality. R.S.O. 1960, c. 325, s. 15 (1), *amended*.

Composition of board in city, town or village of 10,000 or more population

(2) The board of a township having a population of 10,000 or more shall be composed of the reeve of the township and three members appointed by the council, three members appointed by the public school board or board of education having jurisdiction in the township, and two members appointed by the separate school board, if any, having jurisdiction in the township.

In township of 10,000 or more population

(3) Where there is more than one board qualified to deal with public school affairs in a township or more than one separate school board having jurisdiction in a township, in each case, the board that is supported by the greatest amount of assessment in the township shall appoint the members to be appointed by the public school board, board of education or separate school board, as the case may be, under subsection 2. 1962-63, c. 115, s. 1, *part, amended*.

Appointment where more than one board

(4) Each member appointed by a council, public school board or board of education shall hold office for three years and each member appointed by a separate school board shall hold office for two years, provided that of the members first appointed by a council, public school board or board of education one member shall be appointed for one year, one member for two years and one member for three years, and of the members first appointed by a separate school board one member shall be appointed for one year and one member for two years, and every member shall continue to hold office until his successor is appointed. R.S.O. 1960, c. 325, s. 15 (2, 3); 1962-63, c. 115, s. 1, *part, amended*.

Term of office

(5) The first appointments of members of a new board shall be made at the last regular meeting of the appointing body in the year before the board is to be organized and the members shall take office on the 1st day of January in the following year, and thereafter appointments shall be made at the first meeting of the appointing body in each year, but, if an appointing body fails to appoint a member at its first meeting, it shall make the appointment at its next regular meeting. R.S.O. 1960, c. 325, s. 22, *amended*.

Time for making appointments

Composition  
of board in  
municipalities  
under  
10,000  
population

**6.** The board of a municipality having a population of less than 10,000 shall be composed of the mayor or reeve and four members appointed annually by the council, and every member shall continue to hold office until his successor is appointed. *New.*

Union  
public  
library

**7.—(1)** The councils of two or more municipalities may enter into agreement for the establishment of a union public library.

Agreement

(2) Any agreement under subsection 1 shall provide for the proportion of the cost of the establishment, operation and maintenance of the union public library, including the cost of existing libraries, that shall be borne by each municipality.

Union  
board

(3) Every union public library shall be under the management, regulation and control of a board, which is a corporation under the name of "The (*insert names of municipalities concerned*) Union Public Library Board".

Composition  
of board

(4) A union public library board shall be composed of such number of members appointed by the council of each municipality concerned for such term of office and in such manner as the agreement may provide.

Qualifica-  
tions of  
members

(5) All members of a union public library board who are not members of a municipal council shall be Canadian citizens, over twenty-one years of age and residents of the municipality for which the union public library is established.

Dissolution  
of boards  
included  
in union

(6) When a union public library is established, the boards formerly established in the municipalities for which the union public library board is established are thereby dissolved, and the assets and liabilities of such boards are vested in and assumed by the union public library board. R.S.O. 1960, c. 325, s. 20, *amended*.

Vacancies,  
how filled

**8.** Vacancies in a board arising from death, resignation or otherwise shall be filled forthwith by the appointing body, and the person appointed to fill a vacancy shall hold office for the unexpired term of the person whose place has become vacant. R.S.O. 1960, c. 325, s. 23 (1), *part, amended*.

Vacancies  
by disquali-  
fication

**9.—(1)** If a member of a board is convicted of an indictable offence, or becomes mentally ill, or absents himself from the meetings of the board for three consecutive months without being authorized by resolution entered upon its minutes, or ceases to be a resident within a municipality for which the board was established, he thereby vacates his seat, and the



remaining members shall forthwith declare his seat vacant and notify the appointing body accordingly. R.S.O. 1960, c. 325, s. 23 (1), *part, amended*.

(2) Notwithstanding subsection 1, where a member of a <sup>Proviso</sup> board is convicted of an indictable offence, the vacancy shall not be filled until the time for taking any appeal that may be taken from the conviction has elapsed or until the final determination of any appeal so taken, and, in the event of the quashing of the conviction, the seat shall be deemed not to have been vacated. *New*.

**10.**—(1) A member of a board shall not enter into any contract, agreement, engagement or promise, either in his own name or in the name of another, and either alone or jointly with another, in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim, except in respect of expenses under section 14, upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board, and every such contract, agreement, engagement or promise is void, and a member violating the provisions of this section thereby vacates his seat. R.S.O. 1960, c. 325, s. 24 (1). <sup>Members of board not to be parties to contracts, etc.</sup>

(2) No person is disqualified from being a member of a board or from sitting and voting on such board by reason only of being proprietor of or otherwise interested in a newspaper or other periodical publication that is subscribed for or in which an advertisement is inserted by the board in the regular course of business, if such subscription or advertisement is paid for at the usual rate, but such member is not entitled to vote where his own account is in question. R.S.O. 1960, c. 325, s. 25. <sup>Saving as to newspaper proprietors, etc.</sup>

(3) On the complaint of any ratepayer of the municipality, or of the remaining member or members of the board, the judge of the county or district court or, if he is a member of the board, the master of the Supreme Court shall, on proof of the facts, declare the seat vacant, and the secretary of the board shall forthwith notify the appointing body to make a new appointment. R.S.O. 1960, c. 325, s. 24 (2). <sup>Proceeding to vacate seat</sup>

**11.**—(1) Every board at its first meeting in each year shall elect one of its members as chairman. <sup>Chairman</sup>

(2) In the absence of the chairman from any meeting, the board may appoint one of its members as acting chairman for the meeting. R.S.O. 1960, c. 325, s. 26 (1, 2). <sup>Acting chairman</sup>

## Staff

**12.**—(1) A board may appoint and remove such officers and servants as it deems necessary, determine the terms of their employment, fix their remuneration and prescribe their duties. R.S.O. 1960, c. 325, s. 33, cl. (b), *amended*.

## Secretary

(2) Every board shall appoint a secretary, who may also be the librarian and who shall,

- (a) conduct the official correspondence for the board; and
- (b) keep a full and correct record of the proceedings of every meeting of the board in a minute book provided for that purpose by the board, and ensure that the minutes when confirmed are signed by the presiding officer.

## Treasurer

(3) Every board shall appoint a treasurer, who may also be the secretary or assistant secretary and who shall,

- (a) receive and account for all moneys of the board;
- (b) open an account in the name of the board in a chartered bank approved by the board;
- (c) deposit all moneys received by him on account of the board, and no other moneys, to the credit of such account or accounts; and
- (d) disburse all moneys as directed by the board. R.S.O. 1960, c. 325, s. 26 (3, 4).

## Regular meetings

**13.**—(1) Every board shall hold regular meetings at least once every month from February to June inclusive and from September to January inclusive and at such other times as it deems necessary.

## Special meetings

(2) The chairman or any two members of a board may summon a special meeting of the board by giving at least two days notice in writing to each member, specifying the purpose for which the meeting is called.

## Quorum

(3) The presence of a majority of all the members constituting a board is necessary for the transaction of business at any general or special meeting. R.S.O. 1960, c. 325, s. 27 (1-3), *amended*.

## Voting

(4) The chairman or acting chairman of a board may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negative. R.S.O. 1960, c. 325, s. 26 (5).

**14.** The members of a board shall serve without remuneration, but they shall be reimbursed by the board for proper travelling and other expenses incurred in carrying out their duties as members of the board. R.S.O. 1960, c. 325, s. 94, cls. (f, g), *amended*. Expenses

**15.** Any public library board or regional or county library board may enter into agreements with any other such board or with a municipal council, school board, council of an Indian band or any person for providing any library service on such terms and conditions as may be agreed upon. R.S.O. 1960, c. 325, ss. 11, 12, 21, *amended*. Agreements  
for library  
service

**16.—(1)** A board may acquire by purchase, lease or otherwise and may expropriate any land required for its purposes and may erect buildings thereon and make additions to or alterations of such buildings, and, with the consent of the council of the municipality or of a majority of the councils of the municipalities, where there are more than one, for which it was established, may sell, lease or otherwise dispose of any land or building when no longer required for such purposes. Real  
property

(2) A board, with the consent of the council or councils of the municipality or municipalities for which it was established, may acquire, or may erect on any land held by it, buildings larger than are required for library or branch library purposes, and may lease any parts of the buildings not so required. Acquisition  
or erection  
of building  
larger than  
required

(3) *The Expropriation Procedures Act, 1962-63* applies to the expropriation of land under subsection 1. R.S.O. 1960, c. 325, s. 31, *amended*. Application  
of 1962-63,  
c. 43

**17.** Every board,

Powers and  
duties of  
board

- (a) shall endeavour to provide in co-operation with other boards a comprehensive and efficient library service;
- (b) shall ensure that every library under its charge is conducted in accordance with this Act and the regulations;
- (c) shall fix the times and places for the meetings of the board and the mode of calling and conducting them, and ensure that a full and correct account of the proceedings thereat is kept;
- (d) shall transmit to the Minister all reports required by this Act and the regulations or requested by him;



- (e) shall make provision for insuring the buildings and equipment owned by the board;
  - (f) shall operate a main library;
  - (g) shall take proper security for the treasurer or secretary-treasurer;
  - (h) may operate any number of branch libraries, reading rooms, mobile units, deposit stations, art galleries, museums, and film and other special services in connection with a library that it deems necessary; and
  - (i) may appoint such committees as it deems expedient.
- R.S.O. 1960, c. 325, s. 32, *amended*.

Librarians,  
appoint-  
ment

**18.**—(1) Every board shall appoint one or more librarians who,

- (a) in the case of a board in a municipality having a population of 10,000 or more, or in municipalities having a combined population of 10,000 or more, shall hold a certificate of librarianship issued by the Minister; and
- (b) in the case of a board in a municipality having a population of less than 10,000, or in municipalities having a combined population of less than 10,000, shall hold a certificate of librarianship, or a certificate of library service, issued by the Minister.

Idem

(2) Where a board after reasonable effort is unable to employ a librarian under subsection 1, the board shall apply to the Minister for permission to employ an uncertificated person as a librarian.

Chief  
executive  
officer

(3) The chief librarian shall be the chief executive officer of the board. 1962-63, c. 115, s. 2, *amended*.

Retirement  
allowances

**19.** A board may, with the approval of the council or councils of the municipality or municipalities for which it is established, grant an annual retirement allowance to an employee in accordance with section 240 of *The Municipal Act*, which section applies *mutatis mutandis*. R.S.O. 1960, c. 325, s. 34, *amended*.

R.S.O. 1960,  
c. 249

Pensions

**20.** A board, by resolution, may provide pensions for employees or any class thereof in the manner and subject to the conditions set out in paragraph 59 of section 377 of *The Municipal Act*, which paragraph applies *mutatis mutandis*. R.S.O. 1960, c. 325, s. 35, *amended*.

**21.** A board, by resolution, may establish a system of sick leave credit gratuities for employees or any class thereof in the manner and subject to the conditions set out in paragraph 60 of section 377 of *The Municipal Act*, which paragraph applies *mutatis mutandis*. R.S.O. 1960, c. 325, s. 36, *amended*. Sick leave credits  
R.S.O. 1960,  
c. 249

**22.—**(1) Subject to the regulations, a board may make rules for the use of the library, reading rooms and museums and for the admission of the public thereto, and for regulating all other matters and things connected with the management of the library, reading rooms and of all property under its control, and may impose fines for breaches of the rules, not exceeding \$25 for any offence. R.S.O. 1960, c. 325, s. 37 (1). Rules

(2) Nothing herein precludes the recovery of the value of articles or things damaged or the amount of damage sustained from persons liable for such articles or things. R.S.O. 1960, c. 325, s. 28, *amended*. Right to damages

(3) Subject to the regulations, a board may close the library for a limited number of days when, in the opinion of the board, such closing is necessary or expedient, and the board may close the library for a period not exceeding three successive weeks at any time during the period between the 1st day of June and the 31st day of August in any year. R.S.O. 1960, c. 325, s. 39, *amended*. Closing library for limited period

(4) A board may permit any part of its library buildings to be used for any educational or other lawful purposes that it deems proper. R.S.O. 1960, c. 325, s. 40, *amended*. Permitting use of building

**23.—**(1) Every board in each year shall prepare and adopt and submit to the council of the municipality, or to each of the councils of the municipalities, for which the board was established, on or before such time as the council may prescribe, estimates of all sums required during the year for the purposes of the board, and such estimates, Estimates

(a) shall set forth the estimated revenues and expenditures of the board;

(b) shall make due allowance for a surplus of the previous year that will be available during the current year;

(c) shall provide for any deficit of any previous year; and

(d) may provide for capital expenditures to be made out of current funds. R.S.O. 1960, c. 325, s. 41, *amended*.

(2) The amount of the estimates of the board that is approved by the council shall be paid to the board out of the Approval of estimates



moneys appropriated for the board in such amounts as may be requisitioned from time to time. R.S.O. 1960, c. 325, s. 42 (1), *amended*.

Where two  
or more  
municipalities  
concerned

(3) Where a board is established for two or more municipalities, the board shall submit with its estimates a statement as to the proportion thereof to be chargeable to each of the municipalities, and, if the estimates of the board are approved, or are amended and approved, by the councils of the municipalities representing more than one-half of the population of the area for which the board was established, the estimates as so approved are binding on all the municipalities in the area. *New*.

Debentures  
for library  
purposes

**24.**—(1) Subject to the approval of the Ontario Municipal Board, the sums required by a board for the purposes of acquiring a site or building or erecting or altering a building or, in the first instance, for acquiring books and other things required for a library, on the application of the board, may be raised by the issue of municipal debentures.

Application  
to council

(2) The application shall be made to the council or councils of the municipality or municipalities for which the board was established.

Council to  
deal with  
application

(3) The council or, if more than one, each of the councils applied to, at its first meeting after receiving the application or as soon thereafter as possible, shall consider and approve or disapprove the application, and, if a vote in any council results in a tie, the application shall be deemed to be disapproved by the council.

Issue of  
debentures

(4) If the council, or a majority of the councils where there are more than one, approves the application, the council of the municipality or, where more than one, the council of the municipality having the greatest assessment shall raise the sum required by the issue of debentures in the manner provided by *The Municipal Act*, or, if it so desires, the council of any municipality may raise its proportion of the sum required by the issue of its own debentures.

R.S.O. 1960,  
c. 249

Submission  
of applica-  
tion to  
ratepayers

(5) If the council, or half or a majority of the councils where there are more than one, disapproves the application, the council or each of the councils on the request of the board shall submit the application to a vote of the electors of its municipality who are qualified under *The Municipal Act* to vote on money by-laws, in the manner provided in *The Municipal Act* in the case of a money by-law.

(6) Unless the board otherwise agrees, such vote shall be held within ninety days of the receipt of the request therefor from the board. When vote to be held

(7) If a majority of the votes cast throughout the area for which the board was established is in favour of the application, the council of the municipality in which the public library is or is to be situated shall raise the required sum by the issue of debentures in the manner provided in *The Municipal Act*. When vote favourable  
R.S.O. 1960, c. 249  
 R.S.O. 1960, c. 325, s. 43, *amended*.

**25.** The council of any municipality or county may make grants in money or lands or buildings to a board. Grants from municipal councils  
 R.S.O. 1960, c. 325, s. 44.

**26.** Any person, at all reasonable times, may inspect any records, books, accounts and documents in the possession or under the control of the secretary of a board. Inspection of records  
 R.S.O. 1960, c. 325, s. 28 (2), *amended*.

**27.** All public libraries operated by a board shall be open to the public free of charge, provided that the board may impose such fees as it deems proper for the use of any library service by any person who is not resident in the area in which the board has jurisdiction. Libraries to be open to public  
 R.S.O. 1960, c. 325, s. 45, *amended*.

**28.** Every board shall permit the public to have free use of the circulating and reference books and such other services of the library as it deems practicable, but the board may charge fees for such other services as it deems necessary. Free use of library services  
 R.S.O. 1960, c. 325, s. 46, *amended*.

**29.** Where the council of an Indian band establishes a public library, such library, if approved by the Minister, shall be deemed to be a public library established under this Part for the purposes of legislative grants. Library of Indian band  
*New.*

## PART II

### PROVINCIAL LIBRARY SERVICE

**30.** The Lieutenant Governor in Council may make regulations, Regulations

- (a) providing for the apportionment and distribution of all moneys appropriated by the Legislature for library purposes;
- (b) prescribing the conditions governing the payments of grants to boards;

- (c) respecting the establishment, organization, management, accommodations and rules of public libraries;
- (d) respecting the establishment, organization, management and courses of instruction of library schools, examinations of students, and providing for the issuance of certificates to students successful at library schools;
- (e) governing the qualifications of librarians and assistants and library clerks in public libraries;
- (f) governing the conduct of examinations and practical tests, and the determination of the results thereof;
- (g) governing the granting of temporary, interim, special permanent and renewed certificates of qualification to librarians and assistants;
- (h) prescribing the courses and examinations for the academic and professional training of librarians and assistants;
- (i) providing for the suspension and cancellation of certificates of qualification granted by the Department;
- (j) governing the management and organization of library institutes. R.S.O. 1960, c. 325, s. 92, *amended*.

Withholding  
grant on  
default of  
board

**31.** Where a board in any year fails to comply with this Act or the regulations, the Minister may withhold the whole or any part of the legislative grant payable to the board for that year. R.S.O. 1960, c. 325, s. 93.

Director of  
Provincial  
Library  
Service

**32.** The Lieutenant Governor in Council may appoint an officer, to be known as the Director of Provincial Library Service, who shall, under the direction of the Minister, supervise the operation of this Act and promote and encourage the extension of library service throughout Ontario. *New*.

Ontario  
Provincial  
Library  
Council

**33.**—(1) There shall be a council, to be known as the Ontario Provincial Library Council, herein called the Council, composed of,

- (a) nine members appointed by the Minister; and
- (b) one member appointed by the board of each regional library system.



(2) Of the members first appointed by the Minister, three <sup>Term of office</sup> members shall be appointed to hold office for two years and three members for four years, and thereafter members shall be appointed to hold office for six years.

(3) The members appointed by the boards of regional library <sup>Idem</sup> systems shall hold office for one year. *New.*

**34.**—(1) The Council shall elect a chairman and a vice- <sup>Officers</sup> chairman from among its members and may appoint such officers and servants, except a secretary, as it deems necessary.

(2) The Director of Provincial Library Service shall be the <sup>Secretary</sup> secretary of the Council, but shall not vote on the matters of the Council.

(3) The officers elected or appointed under this section <sup>Executive Committee</sup> and the secretary shall constitute the Executive Committee of the Council.

(4) The Council may appoint such other committees as <sup>Committees</sup> it deems necessary. *New.*

**35.** The Council shall make recommendations to the <sup>Duties</sup> Minister with respect to the development and co-ordination of library service in Ontario. *New.*

**36.**—(1) The Council shall meet at least three times in <sup>Meetings</sup> each year at such times and places as the Executive Committee shall determine.

(2) The members of the Council shall be reimbursed by the <sup>Expenses of members</sup> Council for proper travelling and other expenses incurred in carrying out their duties as members of the Council. *New.*

### PART III

#### REGIONAL LIBRARY SERVICE

**37.** The Minister, upon receipt of a request from five or <sup>Regional library system, establishment</sup> more public library boards, of which at least one has jurisdiction in a municipality having a population of 15,000 or more, to establish a regional library system to assist libraries within the region, may establish a regional library system and determine the boundaries of the region. 1962-63, c. 115, s. 3, *part, amended.*

**38.** The region for which a regional library system may be <sup>Region</sup> established shall have a population of at least 100,000 and shall include at least two territorial districts or counties, and the Minister may alter the boundaries of a region. 1962-63, c. 115, s. 3, *part, amended.*

Regional  
library  
co-operatives deemed  
regional  
library  
systems

**39.** Each regional library co-operative established under a predecessor of this Act that is in existence immediately before this Act comes into force shall be deemed to be a regional library system for the region in which it then had jurisdiction as it may be altered by the Minister. *New.*

Board,  
corporate  
name

**40.—(1)** Every regional library system shall be under the management, regulation and control of a board, which is a corporation under the name of "The Board of the *(insert name selected by the board and approved by the Minister)* Regional Library System".

Composition  
of board

(2) Every board shall be composed of,

- (a) one member appointed by the public library board in each municipality having a population of 15,000 or more in the region;
- (b) one member appointed by each county library board having jurisdiction in the region;
- (c) if the number of members appointed under clauses *a* and *b* is fewer than nine, such number of members appointed by the Minister to the extent that the number of members on the board will not exceed nine; and
- (d) if the number of members appointed under clauses *a*, *b* and *c* is fewer than nine, a number of members, not to exceed the number of members appointed under clause *a*, elected by the other public library boards having jurisdiction in the region to the extent that the number of members on the board will not exceed nine.

Term of  
office

(3) A member of a board shall hold office until the 31st day of December of the year for which he is elected or appointed, except that the first members of a board shall hold office during the year in which the board is established and until the 31st day of December of the following year, but every member shall continue to hold office until his successor is elected or appointed.

Vacancies

(4) A board may appoint a person to fill a vacancy created by any means in the membership of the board, and the person so appointed shall hold office for the remainder of the term of his predecessor. 1962-63, c. 115, s. 3, *part, amended.*

Future  
terms  
limited to  
five con-  
secutive  
years

(5) A member who is appointed or elected to a board after this Act comes into force shall not hold office for more than five consecutive years. *New.*



**41.** The Director of Provincial Library Service shall arrange for elections and appointments to each board and shall call the first meeting of each board. *New.* Director to arrange elections, etc.

**42.** Every board shall endeavour to improve the standards of library service by providing a plan for co-ordinating and developing library service within the region, and shall submit each year a summary of such plan to the Ontario Provincial Library Council. *New.* Duties of board

**43.—(1)** One or more municipal councils within the region in which a board has jurisdiction may, at the request of the board and subject to the approval of the Ontario Municipal Board, raise the sums required by the board for the purpose of acquiring sites or purchasing, erecting or altering buildings. Power to raise sums for sites, etc.

**(2)** A council of a municipality in which a board has jurisdiction may, at the request of the board, levy on the rateable property within the municipality a rate sufficient to provide a sum for library service in accordance with the terms of an agreement between the board and the council. *New.* Power to levy for library purposes

**44.** A board may, Powers of board

- (a) establish, separately or within one or more of the public libraries established in the region in which the board has jurisdiction, a collection of reference books and other items as the basis of a reference service for the region;
- (b) promote inter-library loan of books and other means of furthering the efficiency and co-ordination of library service;
- (c) establish a central service, and determine services that may be provided by one or more public library boards for other public library boards in the region, for,
  - (i) selecting, ordering, cataloguing, processing, circulating, storing and disposing of books, films and other materials,
  - (ii) providing an advisory service for the purpose of improving public library standards,
  - (iii) providing programmes of an educational nature for adults,
  - (iv) providing programmes of an educational nature for librarians and library assistants, and

- (v) providing other similar services;
- (d) charge fees for supplying any library service, and determine the unit cost of supplying each service;
- (e) with the approval of the Minister, undertake responsibilities for providing inter-library loan of books and other services throughout Ontario; and
- (f) appoint a regional director of library services, who,
  - (i) shall hold a Class A, B or C certificate of librarianship,
  - (ii) may be an employee of a public library board having jurisdiction in the region if that board agrees to the appointment, and
  - (iii) shall not be an employee of any other public library board. 1962-63, c. 115, s. 3, *part, amended*.

Public  
library  
associations  
dissolved

**45.** On the 1st day of January, 1967, each public library association then in existence is dissolved, and its assets and liabilities become assets and liabilities of the board of the regional library system having jurisdiction in the area in which the association has jurisdiction. *New.*

Application  
of general  
provisions

**46.** Sections 8 to 12, 14 to 16, 18 to 22 and 25 to 28 apply *mutatis mutandis* to every board of a regional library system. *New.*

## PART IV

### COUNTY LIBRARY SERVICE

County  
library,  
establish-  
ment

**47.—(1)** Where at least 75 per cent of the municipalities forming part of a county for municipal purposes request the county to establish a county library, the council of the county may by by-law establish a county library for all such municipalities. R.S.O. 1960, c. 325, s. 86 (1).

Idem

**(2)** Where at least half of the municipalities forming part of a county for municipal purposes and having a combined population of at least 25,000 request the county to establish a county library, the council of the county may by by-law establish a county library for all the municipalities that so request. 1961-62, c. 118, s. 3.

Request  
for estab-  
lishment

**(3)** No request of a local municipality for the establishment of a county library shall be acted on unless the request is authorized by a favourable vote of a majority of the members of the council of the local municipality.

(4) A by-law passed by the council of a county under this section is not effective until approved by the Minister and, when so approved, is effective on the 1st day of January of the year following unless otherwise provided in the by-law. Approval of Minister

(5) When a county library is established, every public library board and county library co-operative established for a municipality or any part thereof that is included in the area for which the county library is established is thereby dissolved, and the assets and liabilities of such boards are thereby vested in and assumed by the county library board unless otherwise provided in the by-law establishing the county library. Dissolution of public library boards, etc.  
R.S.O. 1960, c. 325, s. 86 (2-4), *amended*.

**48.**—(1) Every county library shall be under the management, regulation and control of a board, which is a corporation under the name of “The (*insert name of county*) County Library Board”. County library board

(2) A county library board shall be composed of the warden of the county and six members appointed by the county council, three of whom shall be members of the county council who represent a local municipality included in the area for which the county library was established and three of whom shall be persons resident in a municipality in which the board has jurisdiction who are twenty-one years of age and Canadian citizens and who are not members of the council. Composition of board

(3) The members of the board who are not members of the county council shall hold office for three years, except that, when appointments are made to a newly-established board, one member shall be appointed for one year, one member for two years and one member for three years. Term of office of members other than councillors

(4) The council of the county shall make such appointments at the first meeting of council in each year. Appointments

(5) Each member shall hold office until his successor is appointed. Term of office

(6) The first meeting of a newly-established board shall be called by the clerk of the county forthwith after the members of the board have been appointed. R.S.O. 1960, c. 325, s. 87, *amended*. First meeting

**49.** Sections 8 to 22 and 25 to 28 apply *mutatis mutandis* to every county library board. R.S.O. 1960, c. 325, s. 88, *amended*. Application of general provisions

**50.** Every county library board shall operate and maintain a library as a branch in each local municipality that operated Branch libraries



a public library prior to the date upon which that municipality became part of the county\* library system. R.S.O. 1960, c. 325, s. 89.

Librarian

**51.** Every board shall appoint a librarian who shall,

- (a) hold a Class A, B or C certificate of librarianship issued by the Minister;
- (b) be the chief executive officer of the board; and
- (c) attend the meetings of the board or designate a person to represent him. R.S.O. 1960, c. 325, s. 90.

County  
library rate

**52.**—(1) The council of a county in which a county library has been established may by by-law provide for the levying of a rate, upon the equalized assessment of the municipalities that form part of the county for municipal purposes and that are included in the area in which the county library board has jurisdiction, sufficient to meet the amount estimated by the board to meet its operating costs, as approved by the council, and such rate shall form part of the county rates for such municipalities. R.S.O. 1960, c. 325, s. 91.

Accom-  
modation  
may be  
provided by  
local muni-  
cipality

(2) Where such rate in any year is not sufficient for the purpose of providing accommodation for branch libraries, the council of one or more municipalities may, at the request of the board, rent accommodation to the board and may, subject to the approval of the Ontario Municipal Board, issue municipal debentures for the cost of constructing buildings for the purposes of the board, but the ownership thereof shall remain with the municipal corporation. *New.*

County  
library  
co-operatives  
continued

**53.**—(1) Every county library co-operative board established under a predecessor of this Act that is in existence immediately before this Act comes into force, subject to subsection 2, is continued with the same powers and duties that it now has.

When  
dissolved

(2) Where a county library co-operative has jurisdiction in an area for which a county library is established, the county library co-operative is dissolved, and its assets and liabilities become assets and liabilities of the county library board. *New.*

Composition  
of board

(3) The board of a county library co-operative shall be composed of the warden of the county and six members appointed annually by the county council, three of whom shall be members of the county council. R.S.O. 1960, c. 325, s. 84 (2).

**54.** The following are repealed:

Repeal:

1. *The Public Libraries Act.*

R.S.O. 1960,  
c. 325

2. *The Public Libraries Amendment Act, 1961-62.*

1961-62,  
c. 118

3. *The Public Libraries Amendment Act, 1962-63.*

1962-63,  
c. 115

**55.** This Act comes into force on the 1st day of January, 1967.

Commence-  
ment

**56.** This Act may be cited as *The Public Libraries Act, 1966*.

Short title







The Public Libraries Act, 1966

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*1st Reading*

June 7th, 1966

*2nd Reading*

*3rd Reading*

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MR. DAVIS

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# **BILL 155**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

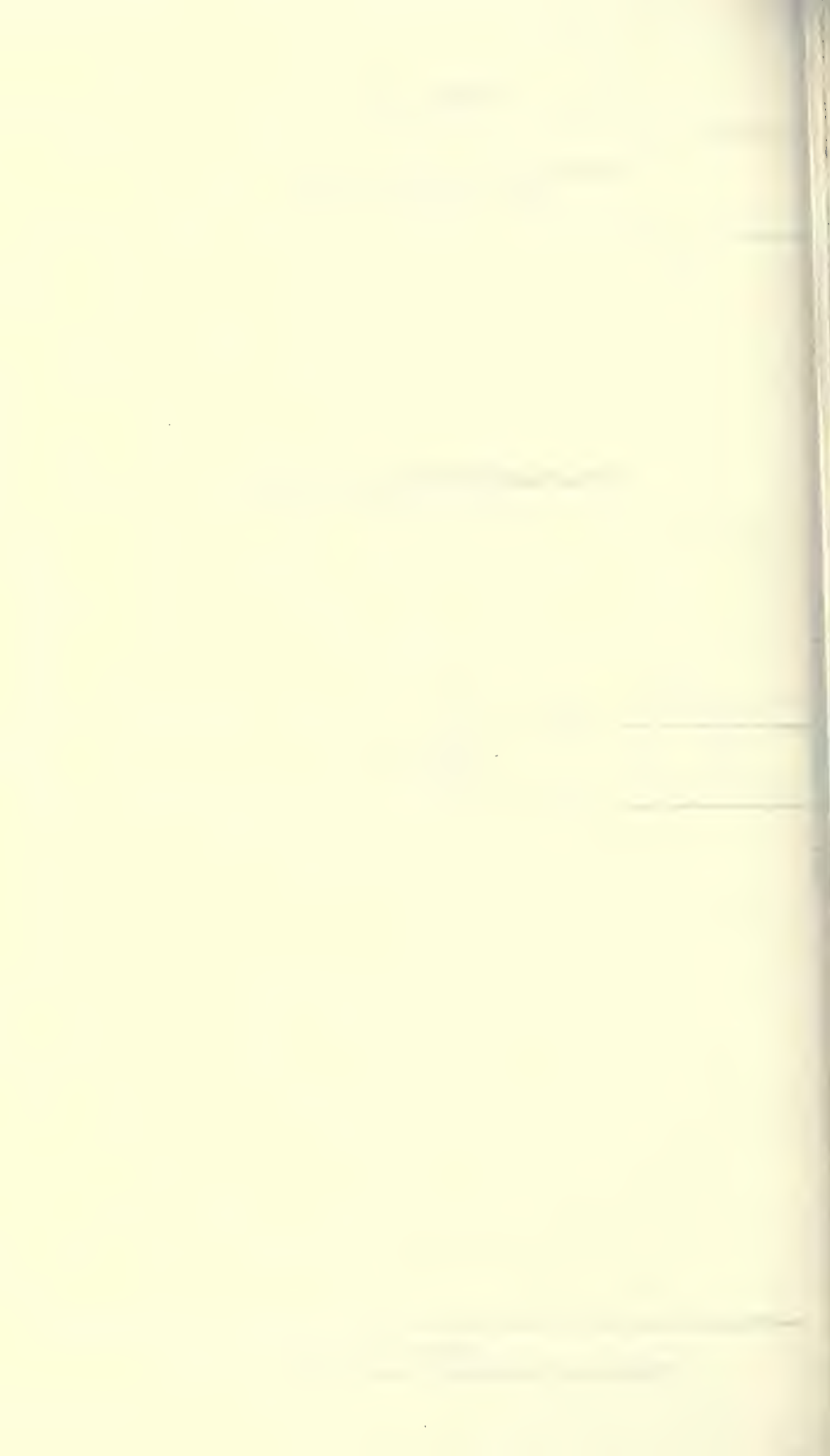
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## **The Public Libraries Act, 1966**

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**MR. DAVIS**

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## The Public Libraries Act, 1966

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "board" in Part I means a public library board, in Part II means any board established under this Act or a predecessor of this Act, in Part III means a regional library system board and in Part IV means a county library board;
- (b) "Department" means the Department of Education;
- (c) "Minister" means the Minister of Education;
- (d) "municipality" means a city, town, village, township or improvement district;
- (e) "regulations" means the regulations made under this Act or *The Department of Education Act*. R.S.O. 1960, c. 325, s. 1, *amended*. R.S.O. 1960,  
c. 94

## PART I

### PUBLIC LIBRARY SERVICE

**2.—**(1) Subject to subsections 2 and 3, every public library established under a predecessor of this Part that is being operated immediately before this Act comes into force is continued subject to this Part. Public  
libraries  
continued R.S.O. 1960, c. 325, ss. 2, 50, *amended*.

(2) Where a public library heretofore established for a school section is being operated immediately before this Act comes into force, the council of the municipality in which Public  
libraries  
established  
for school  
sections

the public library of the school section is situate shall establish a public library, and, on the day the board for such public library is organized, the public library board of the school section is dissolved and its assets and liabilities become assets and liabilities of the public library board of the municipality.

Public  
libraries  
established  
for police  
villages

(3) Where a public library heretofore established for a police village is being operated immediately before this Act comes into force, the council of the municipality in which the public library of the police village is situate shall establish a public library, and, on the day the board for such public library is organized, the public library board of the police village is dissolved and its assets and liabilities become assets and liabilities of the public library board of the municipality, and, if the police village is situate in two or more municipalities, the public library established for the municipality shall be open to all persons who reside in the police village as if they resided in the municipality.

Public  
libraries in  
school  
sections in  
unorganized  
territory  
continued

(4) Every public library heretofore established for a school section in territory without municipal organization that is being operated immediately before this Act comes into force is continued until it is disestablished upon a petition signed by a majority of the public and separate school supporters in the school section filed with the secretary of the public school board of the school section, and, when so disestablished, the assets of the public library board shall be distributed as the Minister may direct. *New.*

Public  
libraries,  
establish-  
ment

**3.—**(1) The council of a municipality and the trustees of an improvement district may by by-law establish a public library. R.S.O. 1960, c. 325, s. 3, *amended.*

Effective  
date

(2) A by-law passed in any year for the establishment of a public library shall become effective on the 1st day of January of the following year. *New.*

Board

(3) Every public library shall be under the management, regulation and control of a board, which is a corporation under the name of "The (*insert name of municipality*) Public Library Board". R.S.O. 1960, c. 325, s. 13, *amended.*

Quali-  
fications of  
members of  
board

**4.** A person is qualified to be appointed as a member of a board who,

(a) is a Canadian citizen;

(b) is of the full age of twenty-one years;

(c) is resident in a municipality for which the board is established; and

- (d) is not a member of any one of the bodies entitled to make an appointment to the board. R.S.O. 1960, c. 325, s. 14, *amended*.

5.—(1) The board of an urban municipality having a population of 10,000 or more shall be composed of the mayor or reeve and three members appointed by the council, three members appointed by the public school board or board of education having jurisdiction in the municipality, and two members appointed by the separate school board, if any, for the municipality. R.S.O. 1960, c. 325, s. 15 (1), *amended*.

Composition of board in city, town or village of 10,000 or more population

(2) The board of a township having a population of 10,000 or more shall be composed of the reeve of the township and three members appointed by the council, three members appointed by the public school board or board of education having jurisdiction in the township, and two members appointed by the separate school board, if any, having jurisdiction in the township.

In township of 10,000 or more population

(3) Where there is more than one board qualified to deal with public school affairs in a township or more than one separate school board having jurisdiction in a township, in each case, the board that is supported by the greatest amount of assessment in the township shall appoint the members to be appointed by the public school board, board of education or separate school board, as the case may be, under subsection 2. 1962-63, c. 115, s. 1, *part*, *amended*.

Appointment where more than one board

(4) Each member appointed by a council, public school board or board of education shall hold office for three years and each member appointed by a separate school board shall hold office for two years, provided that of the members first appointed by a council, public school board or board of education one member shall be appointed for one year, one member for two years and one member for three years, and of the members first appointed by a separate school board one member shall be appointed for one year and one member for two years, and every member shall continue to hold office until his successor is appointed. R.S.O. 1960, c. 325, s. 15 (2, 3); 1962-63, c. 115, s. 1, *part*, *amended*.

Term of office

(5) The first appointments of members of a new board shall be made at the last regular meeting of the appointing body in the year before the board is to be organized and the members shall take office on the 1st day of January in the following year, and thereafter appointments shall be made at the first meeting of the appointing body in each year, but, if an appointing body fails to appoint a member at its first meeting, it shall make the appointment at its next regular meeting. R.S.O. 1960, c. 325, s. 22, *amended*.

Time for making appointments



Composition  
of board in  
municipalities  
under  
10,000  
population

**6.** The board of a municipality having a population of less than 10,000 shall be composed of the mayor or reeve and four members appointed annually by the council, and every member shall continue to hold office until his successor is appointed. *New.*

Union  
public  
library

**7.—**(1) The councils of two or more municipalities may enter into agreement for the establishment of a union public library.

Agreement

(2) Any agreement under subsection 1 shall provide for the proportion of the cost of the establishment, operation and maintenance of the union public library, including the cost of existing libraries, that shall be borne by each municipality.

Union  
board

(3) Every union public library shall be under the management, regulation and control of a board, which is a corporation under the name of "The (*insert names of municipalities concerned*) Union Public Library Board".

Composition  
of board

(4) A union public library board shall be composed of such number of members appointed by the council of each municipality concerned for such term of office and in such manner as the agreement may provide.

Qualifica-  
tions of  
members

(5) All members of a union public library board who are not members of a municipal council shall be Canadian citizens, over twenty-one years of age and residents of the municipality for which the union public library is established.

Dissolution  
of boards  
included  
in union

(6) When a union public library is established, the boards formerly established in the municipalities for which the union public library board is established are thereby dissolved, and the assets and liabilities of such boards are vested in and assumed by the union public library board. R.S.O. 1960, c. 325, s. 20, *amended*.

Vacancies,  
how filled

**8.** Vacancies in a board arising from death, resignation or otherwise shall be filled forthwith by the appointing body, and the person appointed to fill a vacancy shall hold office for the unexpired term of the person whose place has become vacant. R.S.O. 1960, c. 325, s. 23 (1), *part, amended*.

Vacancies  
by disquali-  
fication

**9.—**(1) If a member of a board is convicted of an indictable offence, or becomes mentally ill, or absents himself from the meetings of the board for three consecutive months without being authorized by resolution entered upon its minutes, or ceases to be a resident within a municipality for which the board was established, he thereby vacates his seat, and the

remaining members shall forthwith declare his seat vacant and notify the appointing body accordingly. R.S.O. 1960, c. 325, s. 23 (1), *part, amended*.

(2) Notwithstanding subsection 1, where a member of a board is convicted of an indictable offence, the vacancy shall not be filled until the time for taking any appeal that may be taken from the conviction has elapsed or until the final determination of any appeal so taken, and, in the event of the quashing of the conviction, the seat shall be deemed not to have been vacated. *New.* Proviso

**10.**—(1) A member of a board shall not enter into any contract, agreement, engagement or promise, either in his own name or in the name of another, and either alone or jointly with another, in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim, except in respect of expenses under section 14, upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board, and every such contract, agreement, engagement or promise is void, and a member violating the provisions of this section thereby vacates his seat. R.S.O. 1960, c. 325, s. 24 (1). Members of board not to be parties to contracts, etc.

(2) No person is disqualified from being a member of a board or from sitting and voting on such board by reason only of being proprietor of or otherwise interested in a newspaper or other periodical publication that is subscribed for or in which an advertisement is inserted by the board in the regular course of business, if such subscription or advertisement is paid for at the usual rate, but such member is not entitled to vote where his own account is in question. R.S.O. 1960, c. 325, s. 25. Saving as to newspaper proprietors, etc.

(3) On the complaint of any ratepayer of the municipality, or of the remaining member or members of the board, the judge of the county or district court or, if he is a member of the board, the master of the Supreme Court shall, on proof of the facts, declare the seat vacant, and the secretary of the board shall forthwith notify the appointing body to make a new appointment. R.S.O. 1960, c. 325, s. 24 (2). Proceeding to vacate seat

**11.**—(1) Every board at its first meeting in each year shall elect one of its members as chairman. Chairman

(2) In the absence of the chairman from any meeting, the board may appoint one of its members as acting chairman for the meeting. R.S.O. 1960, c. 325, s. 26 (1, 2). Acting chairman



**Staff**      **12.**—(1) A board may appoint and remove such officers and servants as it deems necessary, determine the terms of their employment, fix their remuneration and prescribe their duties. R.S.O. 1960, c. 325, s. 33, cl. (b), *amended*.

**Secretary**      (2) Every board shall appoint a secretary, who may also be the librarian and who shall,

(a) conduct the official correspondence for the board; and

(b) keep a full and correct record of the proceedings of every meeting of the board in a minute book provided for that purpose by the board, and ensure that the minutes when confirmed are signed by the presiding officer.

**Treasurer**      (3) Every board shall appoint a treasurer, who may also be the secretary or assistant secretary and who shall,

(a) receive and account for all moneys of the board;

(b) open an account in the name of the board in a chartered bank approved by the board;

(c) deposit all moneys received by him on account of the board, and no other moneys, to the credit of such account or accounts; and

(d) disburse all moneys as directed by the board. R.S.O. 1960, c. 325, s. 26 (3, 4).

**Regular meetings**      **13.**—(1) Every board shall hold regular meetings at least once every month from February to June inclusive and from September to January inclusive and at such other times as it deems necessary.

**Special meetings**      (2) The chairman or any two members of a board may summon a special meeting of the board by giving at least two days notice in writing to each member, specifying the purpose for which the meeting is called.

**Quorum**      (3) The presence of a majority of all the members constituting a board is necessary for the transaction of business at any general or special meeting. R.S.O. 1960, c. 325, s. 27 (1-3), *amended*.

**Voting**      (4) The chairman or acting chairman of a board may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negative. R.S.O. 1960, c. 325, s. 26 (5).

**14.** The members of a board shall serve without remuneration, but they shall be reimbursed by the board for proper travelling and other expenses incurred in carrying out their duties as members of the board. R.S.O. 1960, c. 325, s. 94, cls. (f, g), *amended*. Expenses

**15.** Any public library board or regional or county library board may enter into agreements with any other such board or with a municipal council, school board, council of an Indian band or any person for providing any library service on such terms and conditions as may be agreed upon. R.S.O. 1960, c. 325, ss. 11, 12, 21, *amended*. Agreements  
for library  
service

**16.—(1)** A board may acquire by purchase, lease or otherwise and may expropriate any land required for its purposes and may erect buildings thereon and make additions to or alterations of such buildings, and, with the consent of the council of the municipality or of a majority of the councils of the municipalities, where there are more than one, for which it was established, may sell, lease or otherwise dispose of any land or building when no longer required for such purposes. Real  
property

**(2)** A board, with the consent of the council or councils of the municipality or municipalities for which it was established, may acquire, or may erect on any land held by it, buildings larger than are required for library or branch library purposes, and may lease any parts of the buildings not so required. Acquisition  
or erection  
of building  
larger than  
required

**(3)** *The Expropriation Procedures Act, 1962-63* applies to the expropriation of land under subsection 1. R.S.O. 1960, c. 325, s. 31, *amended*. Application  
of 1962-63,  
c. 43

**17.** Every board, Powers and  
duties of  
board

- (a) shall endeavour to provide in co-operation with other boards a comprehensive and efficient library service;
- (b) shall ensure that every library under its charge is conducted in accordance with this Act and the regulations;
- (c) shall fix the times and places for the meetings of the board and the mode of calling and conducting them, and ensure that a full and correct account of the proceedings thereat is kept;
- (d) shall transmit to the Minister all reports required by this Act and the regulations or requested by him;

- (e) shall make provision for insuring the buildings and equipment owned by the board;
  - (f) shall operate a main library;
  - (g) shall take proper security for the treasurer or secretary-treasurer;
  - (h) may operate any number of branch libraries, reading rooms, mobile units, deposit stations, art galleries, museums, and film and other special services in connection with a library that it deems necessary; and
  - (i) may appoint such committees as it deems expedient.
- R.S.O. 1960, c. 325, s. 32, *amended*.

Librarians,  
appoint-  
ment

**18.**—(1) Every board shall appoint one or more librarians who,

- (a) in the case of a board in a municipality having a population of 10,000 or more, or in municipalities having a combined population of 10,000 or more, shall hold a certificate of librarianship issued by the Minister; and
- (b) in the case of a board in a municipality having a population of less than 10,000, or in municipalities having a combined population of less than 10,000, shall hold a certificate of librarianship, or a certificate of library service, issued by the Minister.

Idem

(2) Where a board after reasonable effort is unable to employ a librarian under subsection 1, the board shall apply to the Minister for permission to employ an uncertificated person as a librarian.

Chief  
executive  
officer

(3) The chief librarian shall be the chief executive officer of the board. 1962-63, c. 115, s. 2, *amended*.

Retirement  
allowances

**19.** A board may, with the approval of the council or councils of the municipality or municipalities for which it is established, grant an annual retirement allowance to an employee in accordance with section 240 of *The Municipal Act*, which section applies *mutatis mutandis*. R.S.O. 1960, c. 325, s. 34, *amended*.

R.S.O. 1960,  
c. 249

Pensions

**20.** A board, by resolution, may provide pensions for employees or any class thereof in the manner and subject to the conditions set out in paragraph 59 of section 377 of *The Municipal Act*, which paragraph applies *mutatis mutandis*. R.S.O. 1960, c. 325, s. 35, *amended*.



**21.** A board, by resolution, may establish a system of sick leave credit gratuities for employees or any class thereof in the manner and subject to the conditions set out in paragraph 60 of section 377 of *The Municipal Act*, which paragraph applies *mutatis mutandis*. R.S.O. 1960, c. 249, s. 36, *amended*. Sick leave credits

**22.**—(1) Subject to the regulations, a board may make rules for the use of the library, reading rooms and museums and for the admission of the public thereto, and for regulating all other matters and things connected with the management of the library, reading rooms and of all property under its control, and may impose fines for breaches of the rules, not exceeding \$25 for any offence. R.S.O. 1960, c. 325, s. 37 (1). Rules

(2) Nothing herein precludes the recovery of the value of articles or things damaged or the amount of damage sustained from persons liable for such articles or things. R.S.O. 1960, c. 325, s. 28, *amended*. Right to damages

(3) Subject to the regulations, a board may close the library for a limited number of days when, in the opinion of the board, such closing is necessary or expedient, and the board may close the library for a period not exceeding three successive weeks at any time during the period between the 1st day of June and the 31st day of August in any year. R.S.O. 1960, c. 325, s. 39, *amended*. Closing library for limited period

(4) A board may permit any part of its library buildings to be used for any educational or other lawful purposes that it deems proper. R.S.O. 1960, c. 325, s. 40, *amended*. Permitting use of building

**23.**—(1) Every board in each year shall prepare and adopt and submit to the council of the municipality, or to each of the councils of the municipalities, for which the board was established, on or before such time as the council may prescribe, estimates of all sums required during the year for the purposes of the board, and such estimates, Estimates

- (a) shall set forth the estimated revenues and expenditures of the board;
- (b) shall make due allowance for a surplus of the previous year that will be available during the current year;
- (c) shall provide for any deficit of any previous year; and
- (d) may provide for capital expenditures to be made out of current funds. R.S.O. 1960, c. 325, s. 41, *amended*.

(2) The amount of the estimates of the board that is approved by the council shall be paid to the board out of the Approval of estimates

moneys appropriated for the board in such amounts as may be requisitioned from time to time. R.S.O. 1960, c. 325, s. 42 (1), *amended*.

Where two  
or more  
municipalities  
concerned

(3) Where a board is established for two or more municipalities, the board shall submit with its estimates a statement as to the proportion thereof to be chargeable to each of the municipalities, and, if the estimates of the board are approved, or are amended and approved, by the councils of the municipalities representing more than one-half of the population of the area for which the board was established, the estimates as so approved are binding on all the municipalities in the area. *New*.

Debentures  
for library  
purposes

**24.**—(1) Subject to the approval of the Ontario Municipal Board, the sums required by a board for the purposes of acquiring a site or building or erecting or altering a building or, in the first instance, for acquiring books and other things required for a library, on the application of the board, may be raised by the issue of municipal debentures.

Application  
to council

(2) The application shall be made to the council or councils of the municipality or municipalities for which the board was established.

Council to  
deal with  
application

(3) The council or, if more than one, each of the councils applied to, at its first meeting after receiving the application or as soon thereafter as possible, shall consider and approve or disapprove the application, and, if a vote in any council results in a tie, the application shall be deemed to be disapproved by the council.

Issue of  
debentures

(4) If the council, or a majority of the councils where there are more than one, approves the application, the council of the municipality or, where more than one, the council of the municipality having the greatest assessment shall raise the sum required by the issue of debentures in the manner provided by *The Municipal Act*, or, if it so desires, the council of any municipality may raise its proportion of the sum required by the issue of its own debentures.

R.S.O. 1960,  
c. 249

Submission  
of applica-  
tion to  
ratepayers

(5) If the council, or half or a majority of the councils where there are more than one, disapproves the application, the council or each of the councils on the request of the board shall submit the application to a vote of the electors of its municipality who are qualified under *The Municipal Act* to vote on money by-laws, in the manner provided in *The Municipal Act* in the case of a money by-law.



(6) Unless the board otherwise agrees, such vote shall be held within ninety days of the receipt of the request therefor from the board. When vote to be held

(7) If a majority of the votes cast throughout the area for which the board was established is in favour of the application, the council of the municipality in which the public library is or is to be situated shall raise the required sum by the issue of debentures in the manner provided in *The Municipal Act*. When vote favourable  
R.S.O. 1960, c. 325, s. 43, *amended*. R.S.O. 1960, c. 249

**25.** The council of any municipality or county may make grants in money or lands or buildings to a board. Grants from municipal councils  
R.S.O. 1960, c. 325, s. 44.

**26.** Any person, at all reasonable times, may inspect any records, books, accounts and documents in the possession or under the control of the secretary of a board. Inspection of records  
R.S.O. 1960, c. 325, s. 28 (2), *amended*.

**27.** All public libraries operated by a board shall be open to the public free of charge, provided that the board may impose such fees as it deems proper for the use of any library service by any person who is not resident in the area in which the board has jurisdiction. Libraries to be open to public  
R.S.O. 1960, c. 325, s. 45, *amended*.

**28.** Every board shall permit the public to have free use of the circulating and reference books and such other services of the library as it deems practicable, but the board may charge fees for such other services as it deems necessary. Free use of library services  
R.S.O. 1960, c. 325, s. 46, *amended*.

**29.** Where the council of an Indian band establishes a public library, such library, if approved by the Minister, shall be deemed to be a public library established under this Part for the purposes of legislative grants. Library of Indian band  
*New.*

## PART II

### PROVINCIAL LIBRARY SERVICE

**30.** The Lieutenant Governor in Council may make regulations, Regulations

- (a) providing for the apportionment and distribution of all moneys appropriated by the Legislature for library purposes;
- (b) prescribing the conditions governing the payments of grants to boards;

- (c) respecting the establishment, organization, management, accommodations and rules of public libraries;
- (d) respecting the establishment, organization, management and courses of instruction of library schools, examinations of students, and providing for the issuance of certificates to students successful at library schools;
- (e) governing the qualifications of librarians and assistants and library clerks in public libraries;
- (f) governing the conduct of examinations and practical tests, and the determination of the results thereof;
- (g) governing the granting of temporary, interim, special permanent and renewed certificates of qualification to librarians and assistants;
- (h) prescribing the courses and examinations for the academic and professional training of librarians and assistants;
- (i) providing for the suspension and cancellation of certificates of qualification granted by the Department;
- (j) governing the management and organization of library institutes. R.S.O. 1960, c. 325, s. 92, *amended*.

Withholding  
grant on  
default of  
board

**31.** Where a board in any year fails to comply with this Act or the regulations, the Minister may withhold the whole or any part of the legislative grant payable to the board for that year. R.S.O. 1960, c. 325, s. 93.

Director of  
Provincial  
Library  
Service

**32.** The Lieutenant Governor in Council may appoint an officer, to be known as the Director of Provincial Library Service, who shall, under the direction of the Minister, supervise the operation of this Act and promote and encourage the extension of library service throughout Ontario. *New*.

Ontario  
Provincial  
Library  
Council

**33.—(1)** There shall be a council, to be known as the Ontario Provincial Library Council, herein called the Council, composed of,

- (a) nine members appointed by the Minister; and
- (b) one member appointed by the board of each regional library system.

(2) Of the members first appointed by the Minister, three <sup>Term of office</sup> members shall be appointed to hold office for two years and three members for four years, and thereafter members shall be appointed to hold office for six years.

(3) The members appointed by the boards of regional library <sup>Idem</sup> systems shall hold office for one year. *New.*

**34.**—(1) The Council shall elect a chairman and a vice-<sup>Officers</sup> chairman from among its members and may appoint such officers and servants, except a secretary, as it deems necessary.

(2) The Director of Provincial Library Service shall be the <sup>Secretary</sup> secretary of the Council, but shall not vote on the matters of the Council.

(3) The officers elected or appointed under this section <sup>Executive Committee</sup> and the secretary shall constitute the Executive Committee of the Council.

(4) The Council may appoint such other committees as <sup>Committees</sup> it deems necessary. *New.*

**35.** The Council shall make recommendations to the <sup>Duties</sup> Minister with respect to the development and co-ordination of library service in Ontario. *New.*

**36.**—(1) The Council shall meet at least three times in <sup>Meetings</sup> each year at such times and places as the Executive Committee shall determine.

(2) The members of the Council shall be reimbursed by the <sup>Expenses of members</sup> Council for proper travelling and other expenses incurred in carrying out their duties as members of the Council. *New.*

### PART III

#### REGIONAL LIBRARY SERVICE

**37.** The Minister, upon receipt of a request from five or <sup>Regional library system, establishment</sup> more public library boards, of which at least one has jurisdiction in a municipality having a population of 15,000 or more, to establish a regional library system to assist libraries within the region, may establish a regional library system and determine the boundaries of the region. 1962-63, c. 115, s. 3, *part, amended.*

**38.** The region for which a regional library system may be <sup>Region</sup> established shall have a population of at least 100,000 and shall include at least two territorial districts or counties, and the Minister may alter the boundaries of a region. 1962-63, c. 115, s. 3, *part, amended.*



Regional  
library  
co-opera-  
tives deemed  
regional  
library  
systems

**39.** Each regional library co-operative established under a predecessor of this Act that is in existence immediately before this Act comes into force shall be deemed to be a regional library system for the region in which it then had jurisdiction as it may be altered by the Minister. *New.*

Board,  
corporate  
name

**40.—(1)** Every regional library system shall be under the management, regulation and control of a board, which is a corporation under the name of "The Board of the *(insert name selected by the board and approved by the Minister)* Regional Library System".

Composition  
of board

(2) Every board shall be composed of,

- (a) one member appointed by the public library board in each municipality having a population of 15,000 or more in the region;
- (b) one member appointed by each county library board having jurisdiction in the region;
- (c) if the number of members appointed under clauses *a* and *b* is fewer than nine, such number of members appointed by the Minister to the extent that the number of members on the board will not exceed nine; and
- (d) if the number of members appointed under clauses *a*, *b* and *c* is fewer than nine, a number of members, not to exceed the number of members appointed under clause *a*, elected by the other public library boards having jurisdiction in the region to the extent that the number of members on the board will not exceed nine.

Term of  
office

(3) A member of a board shall hold office until the 31st day of December of the year for which he is elected or appointed, except that the first members of a board shall hold office during the year in which the board is established and until the 31st day of December of the following year, but every member shall continue to hold office until his successor is elected or appointed.

Vacancies

(4) A board may appoint a person to fill a vacancy created by any means in the membership of the board, and the person so appointed shall hold office for the remainder of the term of his predecessor. 1962-63, c. 115, s. 3, *part, amended.*

Future  
terms  
limited to  
five con-  
secutive  
years

(5) A member who is appointed or elected to a board after this Act comes into force shall not hold office for more than five consecutive years. *New.*

**41.** The Director of Provincial Library Service shall <sup>Director to arrange elections, etc.</sup> arrange for elections and appointments to each board and shall call the first meeting of each board. *New.*

**42.** Every board shall endeavour to improve the standards <sup>Duties of board</sup> of library service by providing a plan for co-ordinating and developing library service within the region, and shall submit each year a summary of such plan to the Ontario Provincial Library Council. *New.*

**43.—(1)** One or more municipal councils within the region <sup>Power to raise sums for sites, etc.</sup> in which a board has jurisdiction may, at the request of the board and subject to the approval of the Ontario Municipal Board, raise the sums required by the board for the purpose of acquiring sites or purchasing, erecting or altering buildings.

(2) A council of a municipality in which a board has jurisdiction <sup>Power to levy for library purposes</sup> may, at the request of the board, levy on the rateable property within the municipality a rate sufficient to provide a sum for library service in accordance with the terms of an agreement between the board and the council. *New.*

**44.** A board may, <sup>Powers of board</sup>

- (a) establish, separately or within one or more of the public libraries established in the region in which the board has jurisdiction, a collection of reference books and other items as the basis of a reference service for the region;
- (b) promote inter-library loan of books and other means of furthering the efficiency and co-ordination of library service;
- (c) establish a central service, and determine services that may be provided by one or more public library boards for other public library boards in the region, for,
  - (i) selecting, ordering, cataloguing, processing, circulating, storing and disposing of books, films and other materials,
  - (ii) providing an advisory service for the purpose of improving public library standards,
  - (iii) providing programmes of an educational nature for adults,
  - (iv) providing programmes of an educational nature for librarians and library assistants, and



- (v) providing other similar services;
- (d) charge fees for supplying any library service, and determine the unit cost of supplying each service;
- (e) with the approval of the Minister, undertake responsibilities for providing inter-library loan of books and other services throughout Ontario; and
- (f) appoint a regional director of library services, who,
  - (i) shall hold a Class A, B or C certificate of librarianship,
  - (ii) may be an employee of a public library board having jurisdiction in the region if that board agrees to the appointment, and
  - (iii) shall not be an employee of any other public library board. 1962-63, c. 115, s. 3, *part, amended*.

Public  
library  
associations  
dissolved

**45.** On the 1st day of January, 1967, each public library association then in existence is dissolved, and its assets and liabilities become assets and liabilities of the board of the regional library system having jurisdiction in the area in which the association has jurisdiction. *New.*

Application  
of general  
provisions

**46.** Sections 8 to 12, 14 to 16, 18 to 22 and 25 to 28 apply *mutatis mutandis* to every board of a regional library system. *New.*

## PART IV

### COUNTY LIBRARY SERVICE

County  
library,  
establish-  
ment

**47.—(1)** Where at least 75 per cent of the municipalities forming part of a county for municipal purposes request the county to establish a county library, the council of the county may by by-law establish a county library for all such municipalities. R.S.O. 1960, c. 325, s. 86 (1).

Idem

(2) Where at least half of the municipalities forming part of a county for municipal purposes and having a combined population of at least 25,000 request the county to establish a county library, the council of the county may by by-law establish a county library for all the municipalities that so request. 1961-62, c. 118, s. 3.

Request  
for estab-  
lishment

(3) No request of a local municipality for the establishment of a county library shall be acted on unless the request is authorized by a favourable vote of a majority of the members of the council of the local municipality.

(4) A by-law passed by the council of a county under this section is not effective until approved by the Minister and, when so approved, is effective on the 1st day of January of the year following unless otherwise provided in the by-law. Approval of Minister

(5) When a county library is established, every public library board and county library co-operative established for a municipality or any part thereof that is included in the area for which the county library is established is thereby dissolved, and the assets and liabilities of such boards are thereby vested in and assumed by the county library board unless otherwise provided in the by-law establishing the county library. Dissolution of public library boards, etc.  
R.S.O. 1960, c. 325, s. 86 (2-4), *amended*.

**48.**—(1) Every county library shall be under the management, regulation and control of a board, which is a corporation under the name of “The (*insert name of county*) County Library Board”. County library board

(2) A county library board shall be composed of the warden of the county and six members appointed by the county council, three of whom shall be members of the county council who represent a local municipality included in the area for which the county library was established and three of whom shall be persons resident in a municipality in which the board has jurisdiction who are twenty-one years of age and Canadian citizens and who are not members of the council. Composition of board

(3) The members of the board who are not members of the county council shall hold office for three years, except that, when appointments are made to a newly-established board, one member shall be appointed for one year, one member for two years and one member for three years. Term of office of members other than councillors

(4) The council of the county shall make such appointments at the first meeting of council in each year. Appointments

(5) Each member shall hold office until his successor is appointed. Term of office

(6) The first meeting of a newly-established board shall be called by the clerk of the county forthwith after the members of the board have been appointed. R.S.O. 1960, c. 325, s. 87, *amended*. First meeting

**49.** Sections 8 to 22 and 25 to 28 apply *mutatis mutandis* to every county library board. R.S.O. 1960, c. 325, s. 88, *amended*. Application of general provisions

**50.** Every county library board shall operate and maintain a library as a branch in each local municipality that operated Branch libraries

a public library prior to the date upon which that municipality became part of the county library system. R.S.O. 1960, c. 325, s. 89.

Librarian

**51.** Every board shall appoint a librarian who shall,

(a) hold a Class A, B or C certificate of librarianship issued by the Minister;

(b) be the chief executive officer of the board; and

(c) attend the meetings of the board or designate a person to represent him. R.S.O. 1960, c. 325, s. 90.

County  
library rate

**52.—**(1) The council of a county in which a county library has been established may by by-law provide for the levying of a rate, upon the equalized assessment of the municipalities that form part of the county for municipal purposes and that are included in the area in which the county library board has jurisdiction, sufficient to meet the amount estimated by the board to meet its operating costs, as approved by the council, and such rate shall form part of the county rates for such municipalities. R.S.O. 1960, c. 325, s. 91.

Accom-  
modation  
may be  
provided by  
local mun-  
icipality

(2) Where such rate in any year is not sufficient for the purpose of providing accommodation for branch libraries, the council of one or more municipalities may, at the request of the board, rent accommodation to the board and may, subject to the approval of the Ontario Municipal Board, issue municipal debentures for the cost of constructing buildings for the purposes of the board, but the ownership thereof shall remain with the municipal corporation. *New.*

County  
library  
co-operatives  
continued

**53.—**(1) Every county library co-operative board established under a predecessor of this Act that is in existence immediately before this Act comes into force, subject to subsection 2, is continued with the same powers and duties that it now has.

When  
dissolved

(2) Where a county library co-operative has jurisdiction in an area for which a county library is established, the county library co-operative is dissolved, and its assets and liabilities become assets and liabilities of the county library board. *New.*

Composition  
of board

(3) The board of a county library co-operative shall be composed of the warden of the county and six members appointed annually by the county council, three of whom shall be members of the county council. R.S.O. 1960, c. 325, s. 84 (2).

**54.** The following are repealed:

Repeal:

1. *The Public Libraries Act.*R.S.O. 1960,  
c. 3252. *The Public Libraries Amendment Act, 1961-62.*1961-62,  
c. 1183. *The Public Libraries Amendment Act, 1962-63.*1962-63,  
c. 115

**55.** This Act comes into force on the 1st day of January, 1967.

Commence-  
ment

**56.** This Act may be cited as *The Public Libraries Act, 1966*.

Short title







The Public Libraries Act, 1966

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*1st Reading*

June 7th, 1966

*2nd Reading*

June 14th, 1966

*3rd Reading*

June 23rd, 1966

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MR. DAVIS

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# **BILL 156**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Pharmacy Act**

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**MR. DYMOND**

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#### EXPLANATORY NOTE

The amendments proposed in this Bill are intended to bring up to date the definition of "drug" by prescribing the latest editions of the British Pharmacopoeia and other publications and to extend the operation of the provisions of the Act relating to election of members of the Council, the registration of members, the discipline of members and information to be endorsed on labels placed on containers of poison.

BILL 156

1966

## An Act to amend The Pharmacy Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subclause i of clause *d* of section 1 of *The Pharmacy Act*, as re-enacted by subsection 1 of section 1 of *The Pharmacy Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 295, s. 1,  
cl. *d*,  
subcl. i  
(1961-62,  
c. 103, s. 1,  
subs. 1),  
re-enacted

- (i) any substance that is classified as a drug in any of the following publications:

Name	Abbreviation	Edition
Pharmacopoea Internationalis	(Ph.I)	I and Supp. 1959
The Canadian Formulary	(C.F.)	1949
The British Pharmacopoeia	(B.P.)	1963
The British Pharmaceutical Codex	(B.P.C.)	1963
The Pharmacopoeia of the United States of America	(U.S.P.)	XVII
The National Formulary	(N.F.)	XII
New Drugs		1965
Codex Francais	(Codex)	VIII

R.S.O. 1960,  
c. 295, s. 1,  
cl. *d*,  
subcl. v  
(1961-62,  
c. 103, s. 1,  
subs. 2),  
re-enacted

(2) Subclause v of clause *d* of the said section 1, as enacted by subsection 2 of section 1 of *The Pharmacy Amendment Act, 1961-62*, is repealed and the following substituted therefor:



- (v) any preparation containing or represented as containing one or more of the following vitamins that furnishes in the largest recommended daily intake more than the number of units or amounts of such vitamin as are prescribed by the regulations:

1. vitamin A or provitamin A,
2. thiamine,
3. riboflavin,
4. niacin or niacinamide,
5. folic acid,
6. vitamin B12,
7. ascorbic acid
8. vitamin D,
9. vitamin E,
10. vitamin K.

R.S.O. 1960,  
c. 295, s. 4,  
subs. 3,  
amended

- 2.** Subsection 3 of section 4 of *The Pharmacy Act* is amended by striking out "November" in the third line and inserting in lieu thereof "October", so that the subsection shall read as follows:

Term of  
office

- (3) Each elected member of the Council shall hold office for a period of two years commencing on the first Monday in October next following his election.

R.S.O. 1960,  
c. 295, s. 7,  
re-enacted

- 3.** Section 7 of *The Pharmacy Act*, as amended by section 2 of *The Pharmacy Amendment Act, 1964*, is repealed and the following substituted therefor:

Election of  
members of  
Council

- 7.—(1) An election of the members of the Council who are to be elected shall be held on the first Wednesday in August in every second year following the last preceding election, and,

- (a) one member of the Council shall be elected from each electoral division from among those entitled to vote in such electoral division; and

- (b) one member of the Council shall be elected from among the members of the College who on the 1st day of June immediately preceding the election are practising in hospitals approved under *The Public Hospitals Act*.

R.S.O. 1960,  
c. 322

Members  
entitled  
to vote

- (2) Every member of the College registered under this Act who is not in default in payment of any fees payable by him under this Act,

- (a) may vote in the electoral division in which his place of business or employment is located on the 1st day of June immediately preceding the election; or
- (b) if his place of business or employment is in more than one electoral division on the 1st day of June immediately preceding the election, he shall name one of such divisions as his principal place of business or employment and may vote in that division only; or
- (c) if he has no fixed place of business or employment in Ontario, he may vote in the electoral division in which he resided on the 1st day of June immediately preceding the election; or
- (d) if he is employed on the 1st day of June immediately preceding the election in a hospital approved under *The Public Hospitals Act*, he may vote only for a member to be elected from among members so employed.

R.S.O. 1960,  
c. 322

**4.** *The Pharmacy Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 295,  
amended

- 17a. No action shall be brought against the College or any officer thereof or any member of the Council for or in respect of anything done in good faith under this Act, notwithstanding any want of form in any proceedings.

Action  
against  
College,  
officer or  
member

**5.** Section 18 of *The Pharmacy Act*, as amended by section 3 of *The Pharmacy Amendment Act, 1961-62*, is further amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 295, s. 18,  
amended

- (2) A person who fails to make an application for registration within the time prescribed by the regulations, but who is otherwise entitled to registration under subsection 1, may on application have his name entered on the register on passing such examinations as the regulations prescribe.

Idem

**6.**—(1) Subsection 1 of section 29 of *The Pharmacy Act* is amended by inserting after "cancellation" in the eighteenth line "or suspension" and by adding at the end thereof "or suspended, as the case may be, and shall be surrendered forthwith to the registrar", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 295, s. 29,  
subs. 1,  
amended

Canellation  
of registra-  
tion

- (1) The Council or the discipline committee appointed under a by-law passed by the Council may direct that the registration of any person be cancelled, or that the registration of any person be suspended for such time as the Council or the discipline committee deems proper,

- (a) if such person has been convicted of an offence against any Act of the Parliament of Canada or of the legislature of any province of Canada relating to the sale of drugs, poisons, medicines or alcoholic liquors; or

R.S.O. 1960,  
cc. 237, 238

- (b) if such person has been declared to be mentally incompetent under *The Mental Incompetency Act* or has been certified or found to be mentally ill under *The Mental Hospitals Act*; or

- (c) if it finds that such person has been guilty of negligence, incompetency or improper conduct in a professional respect,

and the registrar shall note such cancellation or suspension in the register, and any certificate issued to such person under this Act is thereby cancelled or suspended, as the case may be, and shall be surrendered forthwith to the registrar.

R.S.O. 1960,  
c. 295, s. 29,  
subss. 5, 7,  
re-enacted

- (2) Subsections 5 and 7 of the said section 29 are repealed and the following substituted therefor:

Appeal

- (5) A pharmaceutical chemist or an apprentice whose registration has been cancelled or suspended under this section may within one month appeal to the Court of Appeal, and the court may, upon the hearing of the appeal, make such order as to the reinstatement of the pharmaceutical chemist or apprentice or confirming the cancellation or suspension or for further inquiry by the discipline committee or the Council into the facts of the case and as to costs as the court deems just.

Idem

- (7) The appeal may be by motion, notice of which shall be served upon the registrar and shall be founded upon a copy of the proceedings before the discipline committee or Council, the evidence taken and the decision of the discipline committee or Council, certified by the registrar, and the registrar shall,



upon the request of any person desiring to appeal and upon payment of the cost thereof, furnish to any such person a certified copy of all proceedings, decisions and papers upon which the discipline committee or Council has acted in making the decision complained of.

7. Subsections 2 and 3 of section 29a of *The Pharmacy Act*, R.S.O. 1960, c. 295, s. 29a, as enacted by section 1 of *The Pharmacy Amendment Act, 1965*, (1965, c. 97, s. 1), subss. 2, 3, are repealed and the following substituted therefor: re-enacted

(2) The testimony of witnesses at hearings of the Council or discipline committee under section 29 may be taken under oath to be administered by the presiding officer of the Council or discipline committee, as the case may be, and there shall be full right to cross-examine all witnesses called and to call evidence in defence and in reply. Testimony may be under oath, etc.

(3) Where the Council or the discipline committee cancels or suspends the registration of a person who has been convicted of an offence against any Act of the Parliament of Canada or of the legislature of any province of Canada relating to the sale of drugs, poisons, medicines or alcoholic liquors, or of a person who has been guilty of negligence, incompetency or improper conduct in a professional respect, it may direct that the member pay to the College the costs of and incidental to the disciplinary proceedings, including the cost of reporting and transcribing the evidence, and such costs shall be taxed on the Supreme Court scale by the taxing officer of the Supreme Court at Toronto, upon whose certificate execution may issue out of the Supreme Court for the collection of such costs by the College as upon a judgment in an action in such Court. Costs

8. Clause b of section 41 of *The Pharmacy Act* is amended by striking out "and the address" in the first line and inserting in lieu thereof "the name of the poison, the name, address and telephone number", so that the clause shall read as follows: R.S.O. 1960, c. 295, s. 41, c. b, amended

(b) by retail, unless the word "poison", the name of the poison, the name, address and telephone number of the establishment in which the poison is sold and the name of the owner thereof are legibly and conspicuously displayed on the outer surface of the container in which the poison is contained.

9. Section 47 of *The Pharmacy Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 295, s. 47, re-enacted

Identi-  
fication  
markings

47. Every person who fills a prescription shall sign the prescription and mark it with an identification number or other designation, which shall also be marked on the container in which the drug is supplied, and the name, address and telephone number of the pharmacy in which the prescription is filled, the name of the owner thereof, the date it is filled, the name of the prescriber, the name of the person for whom it is prescribed and the directions for use as prescribed shall be legibly and conspicuously displayed on or in the container in which the drug is supplied.

R.S.O. 1960,  
c. 295, s. 51,  
subs. 8,  
repealed

- 10.** Subsection 8 of section 51 of *The Pharmacy Act* is repealed.

R.S.O. 1960,  
c. 295, s. 52,  
amended

- 11.** Section 52 of *The Pharmacy Act* is amended by adding thereto the following clauses:

(aa) prescribing units or amounts of vitamins for the purpose of subclause v of clause d of section 1;

. . . . .

(da) prescribing the manner in which records shall be kept of the purchase and sale of the drugs referred to in Schedule D.

Commence-  
ment

- 12.—**(1) This Act, except subsection 2 of section 1, comes into force on the day it receives Royal Assent.

Idem

- (2) Subsection 2 of section 1 comes into force on the 1st day of September, 1966.

Short title

- 13.** This Act may be cited as *The Pharmacy Amendment Act, 1966*.









An Act to amend 'The Pharmacy' Act

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*1st Reading*

June 7th, 1966

*2nd Reading*

*3rd Reading*

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MR. DYMOND

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# **BILL 156**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Pharmacy Act**

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**MR. DYMOND**

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BILL 156

1966

## An Act to amend The Pharmacy Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subclause i of clause *d* of section 1 of *The Pharmacy Act*, as re-enacted by subsection 1 of section 1 of *The Pharmacy Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 295, s. 1,  
cl. *d*,  
subcl. *i*  
(1961-62,  
c. 103, s. 1,  
subs. 1),  
re-enacted

- (i) any substance that is classified as a drug in any of the following publications:

Name	Abbreviation	Edition
Pharmacopoea Internationalis	(Ph.I.)	I and Supp. 1959
The Canadian Formulary	(C.F.)	1949
The British Pharmacopoeia	(B.P.)	1963
The British Pharmaceutical Codex	(B.P.C.)	1963
The Pharmacopoeia of the United States of America	(U.S.P.)	XVII
The National Formulary	(N.F.)	XII
New Drugs		1965
Codex Francais	(Codex)	VIII

R.S.O. 1960,  
c. 295, s. 1,  
cl. *d*,  
subcl. *v*  
(1961-62,  
c. 103, s. 1,  
subs. 2),  
re-enacted

(2) Subclause *v* of clause *d* of the said section 1, as enacted by subsection 2 of section 1 of *The Pharmacy Amendment Act, 1961-62*, is repealed and the following substituted therefor:

- (v) any preparation containing or represented as containing one or more of the following vitamins that furnishes in the largest recommended daily intake more than the number of units or amounts of such vitamin as are prescribed by the regulations:

1. vitamin A or provitamin A,
2. thiamine,
3. riboflavin,
4. niacin or niacinamide,
5. folic acid,
6. vitamin B12,
7. ascorbic acid
8. vitamin D,
9. vitamin E,
10. vitamin K.

R.S.O. 1960,  
c. 295, s. 4,  
subs. 3,  
amended

- 2.** Subsection 3 of section 4 of *The Pharmacy Act* is amended by striking out "November" in the third line and inserting in lieu thereof "October", so that the subsection shall read as follows:

Term of  
office

- (3) Each elected member of the Council shall hold office for a period of two years commencing on the first Monday in October next following his election.

R.S.O. 1960,  
c. 295, s. 7,  
re-enacted

- 3.** Section 7 of *The Pharmacy Act*, as amended by section 2 of *The Pharmacy Amendment Act, 1964*, is repealed and the following substituted therefor:

Election of  
members of  
Council

- 7.—(1) An election of the members of the Council who are to be elected shall be held on the first Wednesday in August in every second year following the last preceding election, and,

- (a) one member of the Council shall be elected from each electoral division from among those entitled to vote in such electoral division; and

- (b) one member of the Council shall be elected from among the members of the College who on the 1st day of June immediately preceding the election are practising in hospitals approved under *The Public Hospitals Act*.

R.S.O. 1960,  
c. 322

Members  
entitled  
to vote

- (2) Every member of the College registered under this Act who is not in default in payment of any fees payable by him under this Act,

- (a) may vote in the electoral division in which his place of business or employment is located on the 1st day of June immediately preceding the election; or
- (b) if his place of business or employment is in more than one electoral division on the 1st day of June immediately preceding the election, he shall name one of such divisions as his principal place of business or employment and may vote in that division only; or
- (c) if he has no fixed place of business or employment in Ontario, he may vote in the electoral division in which he resided on the 1st day of June immediately preceding the election; or
- (d) if he is employed on the 1st day of June immediately preceding the election in a hospital approved under *The Public Hospitals Act*, he may vote only for a member to be elected from among members so employed.

R.S.O. 1960,  
c. 322

4. *The Pharmacy Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 295,  
amended

- 17a. No action shall be brought against the College or any officer thereof or any member of the Council for or in respect of anything done in good faith under this Act, notwithstanding any want of form in any proceedings. Action  
against  
College,  
officer or  
member

5. Section 18 of *The Pharmacy Act*, as amended by section 3 of *The Pharmacy Amendment Act, 1961-62*, is further amended by adding thereto the following subsection: R.S.O. 1960,  
c. 295, s. 18,  
amended

- (2) A person who fails to make an application for registration within the time prescribed by the regulations, but who is otherwise entitled to registration under subsection 1, may on application have his name entered on the register on passing such examinations as the regulations prescribe. Idem

6.—(1) Subsection 1 of section 29 of *The Pharmacy Act* is amended by inserting after "cancellation" in the eighteenth line "or suspension" and by adding at the end thereof "or suspended, as the case may be, and shall be surrendered forthwith to the registrar", so that the subsection shall read as follows: R.S.O. 1960,  
c. 295, s. 29,  
subs. 1,  
amended



Cancellation  
of registra-  
tion

- (1) The Council or the discipline committee appointed under a by-law passed by the Council may direct that the registration of any person be cancelled, or that the registration of any person be suspended for such time as the Council or the discipline committee deems proper,

(a) if such person has been convicted of an offence against any Act of the Parliament of Canada or of the legislature of any province of Canada relating to the sale of drugs, poisons, medicines or alcoholic liquors; or

(b) if such person has been declared to be mentally incompetent under *The Mental Incompetency Act* or has been certified or found to be mentally ill under *The Mental Hospitals Act*; or

(c) if it finds that such person has been guilty of negligence, incompetency or improper conduct in a professional respect,

and the registrar shall note such cancellation or suspension in the register, and any certificate issued to such person under this Act is thereby cancelled or suspended, as the case may be, and shall be surrendered forthwith to the registrar.

R.S.O. 1960,  
cc. 237, 236

R.S.O. 1960,  
c. 295, s. 29,  
subss. 5, 7,  
re-enacted

- (2) Subsections 5 and 7 of the said section 29 are repealed and the following substituted therefor:

Appeal

- (5) A pharmaceutical chemist or an apprentice whose registration has been cancelled or suspended under this section may within one month appeal to the Court of Appeal, and the court may, upon the hearing of the appeal, make such order as to the reinstatement of the pharmaceutical chemist or apprentice or confirming the cancellation or suspension or for further inquiry by the discipline committee or the Council into the facts of the case and as to costs as the court deems just.

Idem

- (7) The appeal may be by motion, notice of which shall be served upon the registrar and shall be founded upon a copy of the proceedings before the discipline committee or Council, the evidence taken and the decision of the discipline committee or Council, certified by the registrar, and the registrar shall,



upon the request of any person desiring to appeal and upon payment of the cost thereof, furnish to any such person a certified copy of all proceedings, decisions and papers upon which the discipline committee or Council has acted in making the decision complained of.

**7.** Subsections 2 and 3 of section 29a of *The Pharmacy Act*, R.S.O. 1960, c. 295, s. 29a, as enacted by section 1 of *The Pharmacy Amendment Act, 1965*, (1965, c. 97, s. 1), subss. 2, 3, are repealed and the following substituted therefor: re-enacted

(2) The testimony of witnesses at hearings of the Council or discipline committee under section 29 may be taken under oath to be administered by the presiding officer of the Council or discipline committee, as the case may be, and there shall be full right to cross-examine all witnesses called and to call evidence in defence and in reply. Testimony may be under oath etc.

(3) Where the Council or the discipline committee cancels or suspends the registration of a person who has been convicted of an offence against any Act of the Parliament of Canada or of the legislature of any province of Canada relating to the sale of drugs, poisons, medicines or alcoholic liquors, or of a person who has been guilty of negligence, incompetency or improper conduct in a professional respect, it may direct that the member pay to the College the costs of and incidental to the disciplinary proceedings, including the cost of reporting and transcribing the evidence, and such costs shall be taxed on the Supreme Court scale by the taxing officer of the Supreme Court at Toronto, upon whose certificate execution may issue out of the Supreme Court for the collection of such costs by the College as upon a judgment in an action in such Court. Costs

**8.** Clause *b* of section 41 of *The Pharmacy Act* is amended by striking out "and the address" in the first line and inserting in lieu thereof "the name of the poison, the name, address and telephone number", so that the clause shall read as follows: R.S.O. 1960, c. 295, s. 41, c. 6, amended

(b) by retail, unless the word "poison", the name of the poison, the name, address and telephone number of the establishment in which the poison is sold and the name of the owner thereof are legibly and conspicuously displayed on the outer surface of the container in which the poison is contained.

**9.** Section 47 of *The Pharmacy Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 295, s. 47, re-enacted

Identi-  
fication  
markings

47. Every person who fills a prescription shall sign the prescription and mark it with an identification number or other designation, which shall also be marked on the container in which the drug is supplied, and the name, address and telephone number of the pharmacy in which the prescription is filled, the name of the owner thereof, the date it is filled, the name of the prescriber, the name of the person for whom it is prescribed and the directions for use as prescribed shall be legibly and conspicuously displayed on or in the container in which the drug is supplied.

R.S.O. 1960,  
c. 295, s. 51,  
subs. 8,  
repealed

10. Subsection 8 of section 51 of *The Pharmacy Act* is repealed.

R.S.O. 1960,  
c. 295, s. 52,  
amended

11. Section 52 of *The Pharmacy Act* is amended by adding thereto the following clauses:

- (aa) prescribing units or amounts of vitamins for the purpose of subclause v of clause d of section 1;

· . . . .

- (da) prescribing the manner in which records shall be kept of the purchase and sale of the drugs referred to in Schedule D.

Commence-  
ment

- 12.—(1) This Act, except subsection 2 of section 1, comes into force on the day it receives Royal Assent.

Idem

- (2) Subsection 2 of section 1 comes into force on the 1st day of September, 1966.

Short title

13. This Act may be cited as *The Pharmacy Amendment Act, 1966*.









An Act to amend The Pharmacy Act

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*1st Reading*

June 7th, 1966

*2nd Reading*

June 14th, 1966

*3rd Reading*

June 28th, 1966

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MR. DYMOND

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# **BILL 157**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Dentistry Act**

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**MR. DYMOND**

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#### EXPLANATORY NOTE

The purpose of this Bill is,

- (a) to provide for representation upon the governing Board of new faculties of dentistry;
- (b) to abolish service under articles by dental students;
- (c) to enlarge the present provisions respecting practice and procedure in disciplinary matters so as to accelerate corrective action in cases of improper conduct;
- (d) to establish and confer on a discipline committee power to hear and determine charges and award penalties, except where the penalty is cancellation of registration or suspension of registration for more than twelve months, in which case the penalty must be imposed by the Board;
- (e) to provide an appeal in disciplinary cases from a decision or order of the discipline committee to the Board with a further appeal from a decision or order of the Board to the Court of Appeal;
- (f) to increase the penalties for offences under the Act.

## An Act to amend The Dentistry Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Dentistry Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 91, s. 1,  
amended

(ca) "infamous, disgraceful or improper conduct in a professional respect" includes professional incompetence, gross carelessness in diagnosis or treatment, and fraudulent or exorbitant charging of fees.

**2.** Subsection 2 of section 3 of *The Dentistry Act* is amended by striking out "and with the consent of the Minister of Education" in the third and fourth lines, so that the subsection shall read as follows: R.S.O. 1960,  
c. 91, s. 3,  
subs. 2,  
amended

(2) Such real estate shall not be sold, mortgaged, leased or disposed of, except with the consent of the Board given at a meeting duly called for that purpose. Consent to  
alienation,  
etc.,  
required

**3.**—(1) Subsection 2 of section 4 of *The Dentistry Act* is amended by striking out "nine" in the first line and by striking out "is" in the second line and inserting in lieu thereof "shall be", so that the subsection shall read as follows: R.S.O. 1960,  
c. 91, s. 4,  
subs. 2,  
amended

(2) The Board shall consist of elected members, each of whom shall be a member of the College and shall hold office for two years, and the Minister of Education and the Minister of Health who are *ex officio* members of the Board. Membership  
of Board

(2) Subsection 3 of the said section 4 is amended by striking out "at least five" in the first line and inserting in lieu thereof "a majority", so that the subsection shall read as follows: R.S.O. 1960,  
c. 91, s. 4,  
subs. 3,  
amended

(3) The presence of a majority of the elected members of the Board is necessary to constitute a quorum. Quorum

R.S.O. 1960,  
c. 91, s. 4,  
subs. 4,  
amended

(3) Subsection 4 of the said section 4 is amended by striking out "resident" in the third line and inserting in lieu thereof "practising", by inserting after "district" in the third line "except for York for which electoral district two members shall be elected" and by striking out "a resident of" in the fourth line and inserting in lieu thereof "practising in", so that the subsection shall read as follows:

One  
member  
for each  
electoral  
district

(4) One member shall be elected for each electoral district mentioned in the Schedule by the members of the College practising in the district, except for York for which electoral district two members shall be elected, and every person so elected must be practising in the electoral district for which he is elected and no person is eligible for election as a representative of an electoral district who is a member of a dental faculty and in receipt of salary or other remuneration for his services thereon.

R.S.O. 1960,  
c. 91, s. 4,  
subs. 5,  
re-enacted

(4) Subsection 5 of the said section 4 is repealed and the following substituted therefor:

One  
member  
from  
university,  
college or  
other body  
in Ontario

(5) One member shall be elected by and from the faculty of each university, college or other body in Ontario that is authorized to conduct a course or courses in dentistry and to grant degrees in dentistry and is actively conducting such course or courses in the year in which such election is held.

R.S.O. 1960,  
c. 91, s. 4,  
subs. 6,  
cl. b,  
re-enacted

(5) Clause *b* of subsection 6 of the said section 4 is repealed and the following substituted therefor:

(b) where the vacancy occurs in the representation of a faculty of dentistry, the remaining members of such faculty shall elect a duly qualified person to fill the vacancy;

(c) where a candidate dies after the nominations for election to the Board and before the closing of the polls, the Board shall fix other days for the nomination and for the election.

R.S.O. 1960,  
c. 91, s. 10,  
subs. 2,  
amended

4. Subsection 2 of section 10 of *The Dentistry Act* is amended by striking out "or" at the end of clause *c*, by adding "or" at the end of clause *d* and by adding thereto the following clause:

(e) in aid of any association whose objects include improvement of dental health or the making available of better dental services or other benefits to the public or to the dental profession.



**5.** Subsection 1 of section 14 of *The Dentistry Act* is amended by striking out "and fix and determine the period for which every student shall be articulated and employed under a duly licensed practitioner" in the second, third and fourth lines, so that the subsection shall read as follows: R.S.O. 1960,  
c. 91, s. 14,  
subs. 1,  
amended

- (1) The Board may prescribe a curriculum of studies to be pursued by students, the examination necessary to be passed and the fees to be paid to the treasurer before a certificate of licence to practise dental surgery is issued. Curriculum  
for students,  
etc.

**6.** Section 15 of *The Dentistry Act* is repealed.

R.S.O. 1960,  
c. 91, s. 15,  
repealed

**7.**—(1) Subsection 1 of section 17 of *The Dentistry Act* is amended by striking out "shall" in the first line and inserting in lieu thereof "may", so that the subsection shall read as follows: R.S.O. 1960,  
c. 91, s. 17,  
subs. 1,  
amended

- (1) The Board, once at least in every year, may cause to be held at a time fixed by the Board an examination of the candidates for certificates and such titles as the Board has authority to grant. Annual  
examina-  
tions

(2) Subsection 5 of the said section 17 is amended by inserting after "college" in the third line "or at a national dental examining board", so that the subsection shall read as follows: R.S.O. 1960,  
c. 91, s. 17,  
subs. 5,  
amended

- (5) The Board may dispense with such examination in the case of a person who proves to the satisfaction of the Board that he has passed in any university or college or at a national dental examining board an examination that the Board deems of equal value. Accepting  
other  
examina-  
tion  
as sub-  
stitute

**8.** Section 21 of *The Dentistry Act* is amended by striking out "his service under articles and" in the sixth and seventh lines, so that the section shall read as follows: R.S.O. 1960,  
c. 91, s. 21,  
amended

21. Every person desirous of obtaining a licence to practise dentistry in Ontario shall at least one month before the prescribed examination make application in the form prescribed by the Board and pay to the treasurer the prescribed fees, and deliver to the secretary the treasurer's receipt for the fees, together with satisfactory evidence of compliance with the rules and regulations prescribed by the Board, and of his integrity and good morals. Prepayment  
of examina-  
tion fees

**9.** Subsection 3 of section 22 of *The Dentistry Act*, as amended by section 1 of *The Dentistry Amendment Act*, R.S.O. 1960,  
c. 91, s. 22,  
subs. 3,  
amended

1961-62, is further amended by striking out "\$10" in the fifth line and inserting in lieu thereof "\$25", so that the subsection shall read as follows:

Default in  
payment of  
fee

- (3) Where default is made in payment of the annual fee and such default continues for a period of one month, the licence of a member so in default lapses, but such licence may be renewed thereafter upon payment of the fee and an additional sum not exceeding \$25 as is prescribed by by-law of the Board, and such sum is recoverable in the same manner as the annual fee.

R.S.O. 1960,  
c. 91, s. 23,  
subs. 7,  
amended

**10.**—(1) Subsection 7 of section 23 of *The Dentistry Act* is amended by striking out "duly articulated" in the first line and by striking out "clinics and" in the second and third lines and inserting in lieu thereof "public hospitals, clinics and faculties of dentistry or to", so that the subsection shall read as follows:

Saving  
as to  
students

- (7) Nothing in this section prevents any student of dental surgery from receiving instruction in public hospitals, clinics and faculties of dentistry or to practise under the personal supervision of a member of the College.

R.S.O. 1960,  
c. 91, s. 23,  
subs. 8,  
re-enacted

(2) Subsection 8 of the said section 23 is repealed and the following substituted therefor:

Offences

- (8) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable for the first offence to a fine of not less than \$50 and not more than \$200, for the second offence to a fine of not less than \$200 and not more than \$500, and for every subsequent offence to a fine of not less than \$500, and he is not entitled to sue or recover in any court for any services that he performed or materials that he provided in the ordinary and customary work of a dental surgeon.

R.S.O. 1960,  
c. 91, s. 24,  
re-enacted

**11.** Section 24 of *The Dentistry Act*, as amended by section 2 of *The Dentistry Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Suspension  
and cancel-  
lation of  
certificates

- 24.**—(1) Where a member of the College has been heretofore or is hereafter convicted in Canada or elsewhere of an indictable offence, which conviction remains unreversed, or has been or is guilty of any infamous, disgraceful or improper conduct in a professional respect, he is subject to the disciplinary action and liable to the penalties provided for in this

Act, but no disciplinary action shall be taken or any penalty imposed if the conviction is for a political offence committed out of the Commonwealth or for an offence that, though indictable, ought not, either from its nature or from the circumstances under which it was committed, to justify such disciplinary action or the imposition of such penalties.

- (2) Where a member of the College is guilty of infamous, <sup>Idem</sup> disgraceful or improper conduct in a professional respect, he is subject to disciplinary action and liable to the penalties provided for in this Act, notwithstanding that he has been acquitted of a criminal charge in respect of the same case.
- (3) The Board or the executive committee thereof of <sup>Inquiry</sup> its own motion may, or, upon the application in writing of four members of the College, the president shall, instruct the discipline committee to inquire into any case in which it is alleged that a member of the College is liable to disciplinary action or the imposition of penalties for any of the causes mentioned in subsection 1.

24a.—(1) The Board may by by-law provide for, <sup>Complaints committee</sup>

- (a) the establishment of a complaints committee, which shall have authority to consider complaints regarding the conduct or actions of a member of the College and to refer any such complaint, in whole or in part, to the discipline committee;
  - (b) the composition and quorum of the complaints committee; and
  - (c) the procedure to be followed by the complaints committee in the conduct of its business.
- (2) Notwithstanding subsection 1 and any by-law passed thereunder, the Board or the executive committee thereof, or the president on the application in writing of four members of the College, shall continue to have the authority mentioned in subsection 3 of section 24 to direct that an inquiry be made by the discipline committee into any case of alleged infamous, disgraceful or improper conduct in a professional respect on the part of a member of the College. <sup>Inquiry powers in s. 24, subs. 3, not affected</sup>



R.S.O. 1960,  
c. 91, s. 25,  
subs. 1,  
amended

**12.**—(1) Subsection 1 of section 25 of *The Dentistry Act* is amended by adding at the end thereof “and exercising the disciplinary functions and imposing the penalties provided for by this Act”, so that the subsection shall read as follows:

Discipline  
committee

- (1) The Board shall appoint and always maintain a discipline committee of its own body for the purpose of ascertaining the facts of each case that may become the subject of inquiry and exercising the disciplinary functions and imposing the penalties provided for by this Act.

R.S.O. 1960,  
c. 91, s. 25,  
subs. 10,  
amended

(2) Subsection 10 of the said section 25 is amended by striking out “in the county or district in which the member whose conduct is the subject of inquiry resides, unless such member and the Board agree to the meeting being held” in the second, third, fourth and fifth lines, so that the subsection shall read as follows:

Place of  
meeting

- (10) All meetings of the committee for taking evidence or otherwise ascertaining the facts shall be held at the city of Toronto.

R.S.O. 1960,  
c. 91, s. 25,  
subs. 17-21,  
re-enacted

(3) Subsections 17, 18, 19, 20 and 21 of the said section 25 are repealed and the following substituted therefor:

Duties  
of the  
discipline  
committee

- (17) The committee shall,

- (a) inquire into the conduct of any member of the College when so directed by the Board or the executive committee thereof or by the president;
- (b) hold hearings into charges made against members of the College in accordance with the practice and procedure prescribed by this section and the by-laws;
- (c) inquire into and report to the Board upon an application by a former member of the College to have his certificate of licence restored; and
- (d) perform such other duties as are assigned to it by the Board.

Powers of  
discipline  
committee

- (18) Where after a hearing the committee finds that a member of the College is guilty of infamous, disgraceful or improper conduct in a professional respect, it may by order do any or all of the following things:

1. Suspend the certificate of licence of such member for a period of not more than twelve months.
  2. Impose upon such member a fine of not more than \$1,000.
  3. Direct that such member be reprimanded, and, if deemed warranted, that the fact of such reprimand be recorded on the record of such member.
  4. Direct that the imposition of a penalty be suspended or postponed for such period and upon such terms as it may designate and that, upon compliance with the terms, any penalty imposed be remitted.
  5. Direct that such member pay to the College the costs of and incidental to the inquiry, which may include fees and disbursements for work done or proceedings taken before the inquiry was held and the cost of reporting and transcribing evidence.
- (19) The costs, including the costs of appeal, if any, shall be taxed on the Supreme Court scale by the taxing officer of the Supreme Court at Toronto and shall, as far as practicable, be the same as in an action in the Supreme Court, and, upon the certificate of the taxing officer, execution may issue out of the Supreme Court for the collection of such costs by the College as upon a judgment in an action in such Court. Taxation and collection of costs
- (20) Where the complaint is found to be frivolous or vexatious, the committee may direct that such costs as to it seem just be paid to the member of the College whose conduct is the subject of inquiry. Costs in frivolous or vexatious complaints
- (21) Where the committee is of the opinion that the certificate of licence of a member of the College should be cancelled or suspended for a period of more than twelve months, it shall make a report of the facts and its findings and recommendations thereon to the Board and may therewith transmit a transcript of the evidence taken at the inquiry, but the committee may suspend the certificate of licence of such member pending the decision of the Board. Suspension of the certificate of licence for a period exceeding twelve months



R.S.O. 1960,  
c. 91,  
amended

**13.** *The Dentistry Act* is amended by adding thereto the following section:

Powers and  
duties of  
the Board in  
disciplinary  
matters

25a.—(1) The powers and duties of the Board in disciplinary matters are,

- (a) to receive and record reports of the discipline committee in respect of cases that have been completely dealt with by the committee and from which no appeal has been taken;
- (b) to receive and consider reports of the discipline committee,
  - (i) in cases in which the committee is of the opinion that the penalty imposed should include cancellation or suspension for more than twelve months of the certificate of licence of the member of the College,
  - (ii) in cases of appeal from the decision of the committee, or
  - (iii) in applications for the restoration of the certificate of licence of a member of the College,

and to make such findings and orders in respect thereof and impose such penalties as the Board considers proper.

Idem

- (2) The Board may act upon the report of the discipline committee or may require that it be furnished with a transcript of the evidence taken and may refer the matter back to the committee to take additional evidence.

Idem

- (3) The Board may impose upon a member of the College any penalty that the discipline committee is authorized to impose or may direct that the certificate of licence of such member be cancelled or suspended for such period as the Board considers proper.

Idem

- (4) The Board may direct the restoration of the certificate of licence of a member of the College and that such restoration be subject to the payment by the member of such fee, not exceeding the initial registration fee, as the Board specifies.

- (5) The Board may require any member of the College who in the opinion of the Board is performing sub-standard dental services in general or in some specific branch of dentistry in particular to present himself for such course or courses of prescribed instruction and at the end of such course or courses to present himself for such re-examination or re-examinations that in the opinion of the Board is or are required to demonstrate his competence, and may suspend the certificate of licence of such member pending satisfactory demonstration of his competence on such examination or examinations.

Power of  
the Board to  
require re-  
examination

**14.** Section 27 of *The Dentistry Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 91, s. 27,  
re-enacted

- 27.—(1) Any member of the College aggrieved by any decision or order of the discipline committee may appeal to the Board within thirty days from the date of such decision or order and may further appeal to the Court of Appeal at any time within thirty days from the date of any decision or order of the Board by which he is aggrieved, and the Board or the Court of Appeal, as the case may be, may upon the hearing of such appeal make such order in the matter and as to the costs of the hearing of the appeal as the Board or the Court of Appeal deems proper.

Appeal

- (2) The practice and procedure upon and in relation to an appeal to the Court of Appeal shall be similar to that provided by *The County Courts Act*, except that the proceedings and evidence shall be certified by the secretary of the College to the Court of Appeal.

Practice and  
procedure  
on appeal  
R.S.O. 1960,  
c. 76

**15.** Section 28 of *The Dentistry Act* is repealed.

R.S.O. 1960,  
c. 91, s. 28,  
repealed

**16.** Paragraph 3 of the Schedule to *The Dentistry Act* is amended by inserting after "Nipissing" in the second line "Patricia", so that the paragraph shall read as follows:

R.S.O. 1960,  
c. 91,  
Sched.,  
amended

Electoral District No. 3 shall consist of the following districts:  
Algoma, Kenora, Manitoulin, Nipissing, Patricia, Parry Sound,  
Rainy River, Sudbury, Thunder Bay, Cochrane, and Timiskam-  
ing.

**17.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**18.** This Act may be cited as *The Dentistry Amendment Act, 1966*.

Short title

An Act to amend The Dentistry Act

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*1st Reading*

June 7th, 1966

*2nd Reading*

*3rd Reading*

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MR. DYMOND

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# **BILL 157**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Dentistry Act**

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**MR. DYMOND**

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## An Act to amend The Dentistry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Dentistry Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 91, s. 1, amended

(ca) "infamous, disgraceful or improper conduct in a professional respect" includes professional incompetence, gross carelessness in diagnosis or treatment, and fraudulent or exorbitant charging of fees.

2. Subsection 2 of section 3 of *The Dentistry Act* is amended by striking out "and with the consent of the Minister of Education" in the third and fourth lines, so that the subsection shall read as follows: R.S.O. 1960, c. 91, s. 3, subs. 2, amended

(2) Such real estate shall not be sold, mortgaged, leased or disposed of, except with the consent of the Board given at a meeting duly called for that purpose. Consent to alienation, etc., required

3.—(1) Subsection 2 of section 4 of *The Dentistry Act* is amended by striking out "nine" in the first line and by striking out "is" in the second line and inserting in lieu thereof "shall be", so that the subsection shall read as follows: R.S.O. 1960, c. 91, s. 4, subs. 2, amended

(2) The Board shall consist of elected members, each of whom shall be a member of the College and shall hold office for two years, and the Minister of Education and the Minister of Health who are *ex officio* members of the Board. Membership of Board

(2) Subsection 3 of the said section 4 is amended by striking out "at least five" in the first line and inserting in lieu thereof "a majority", so that the subsection shall read as follows: R.S.O. 1960, c. 91, s. 4, subs. 3, amended

(3) The presence of a majority of the elected members of the Board is necessary to constitute a quorum. Quorum

R.S.O. 1960,  
c. 91, s. 4,  
subs. 4,  
amended

(3) Subsection 4 of the said section 4 is amended by striking out "resident" in the third line and inserting in lieu thereof "practising", by inserting after "district" in the third line "except for York for which electoral district two members shall be elected" and by striking out "a resident of" in the fourth line and inserting in lieu thereof "practising in", so that the subsection shall read as follows:

One  
member  
for each  
electoral  
district

(4) One member shall be elected for each electoral district mentioned in the Schedule by the members of the College practising in the district, except for York for which electoral district two members shall be elected, and every person so elected must be practising in the electoral district for which he is elected and no person is eligible for election as a representative of an electoral district who is a member of a dental faculty and in receipt of salary or other remuneration for his services thereon.

R.S.O. 1960,  
c. 91, s. 4,  
subs. 5,  
re-enacted

(4) Subsection 5 of the said section 4 is repealed and the following substituted therefor:

One  
member  
from  
university,  
college or  
other body  
in Ontario

(5) One member shall be elected by and from the faculty of each university, college or other body in Ontario that is authorized to conduct a course or courses in dentistry and to grant degrees in dentistry and is actively conducting such course or courses in the year in which such election is held.

R.S.O. 1960,  
c. 91, s. 4,  
subs. 6,  
cl. b,  
re-enacted

(5) Clause *b* of subsection 6 of the said section 4 is repealed and the following substituted therefor:

(b) where the vacancy occurs in the representation of a faculty of dentistry, the remaining members of such faculty shall elect a duly qualified person to fill the vacancy;

(c) where a candidate dies after the nominations for election to the Board and before the closing of the polls, the Board shall fix other days for the nomination and for the election.

R.S.O. 1960,  
c. 91, s. 10,  
subs. 2,  
amended

4. Subsection 2 of section 10 of *The Dentistry Act* is amended by striking out "or" at the end of clause *c*, by adding "or" at the end of clause *d* and by adding thereto the following clause:

(e) in aid of any association whose objects include improvement of dental health or the making available of better dental services or other benefits to the public or to the dental profession.

5. Subsection 1 of section 14 of *The Dentistry Act* is amended by striking out "and fix and determine the period for which every student shall be articulated and employed under a duly licensed practitioner" in the second, third and fourth lines, so that the subsection shall read as follows: R.S.O. 1960,  
c. 91, s. 14,  
subs. 1,  
amended

- (1) The Board may prescribe a curriculum of studies to be pursued by students, the examination necessary to be passed and the fees to be paid to the treasurer before a certificate of licence to practise dental surgery is issued. Curriculum  
for students,  
etc.

6. Section 15 of *The Dentistry Act* is repealed.

R.S.O. 1960,  
c. 91, s. 15,  
repealed

7.—(1) Subsection 1 of section 17 of *The Dentistry Act* is amended by striking out "shall" in the first line and inserting in lieu thereof "may", so that the subsection shall read as follows: R.S.O. 1960,  
c. 91, s. 17,  
subs. 1,  
amended

- (1) The Board, once at least in every year, may cause to be held at a time fixed by the Board an examination of the candidates for certificates and such titles as the Board has authority to grant. Annual  
examina-  
tions

(2) Subsection 5 of the said section 17 is amended by inserting after "college" in the third line "or at a national dental examining board", so that the subsection shall read as follows: R.S.O. 1960,  
c. 91, s. 17,  
subs. 5,  
amended

- (5) The Board may dispense with such examination in the case of a person who proves to the satisfaction of the Board that he has passed in any university or college or at a national dental examining board an examination that the Board deems of equal value. Accepting  
other  
examination  
as sub-  
stitute

8. Section 21 of *The Dentistry Act* is amended by striking out "his service under articles and" in the sixth and seventh lines, so that the section shall read as follows: R.S.O. 1960,  
c. 91, s. 21,  
amended

21. Every person desirous of obtaining a licence to practise dentistry in Ontario shall at least one month before the prescribed examination make application in the form prescribed by the Board and pay to the treasurer the prescribed fees, and deliver to the secretary the treasurer's receipt for the fees, together with satisfactory evidence of compliance with the rules and regulations prescribed by the Board, and of his integrity and good morals. Prepayment  
of examina-  
tion fees

9. Subsection 3 of section 22 of *The Dentistry Act*, as amended by section 1 of *The Dentistry Amendment Act*, R.S.O. 1960,  
c. 91, s. 22,  
subs. 3,  
amended



1961-62, is further amended by striking out "\$10" in the fifth line and inserting in lieu thereof "\$25", so that the subsection shall read as follows:

Default in  
payment of  
fee

- (3) Where default is made in payment of the annual fee and such default continues for a period of one month, the licence of a member so in default lapses, but such licence may be renewed thereafter upon payment of the fee and an additional sum not exceeding \$25 as is prescribed by by-law of the Board, and such sum is recoverable in the same manner as the annual fee.

R.S.O. 1960,  
c. 91, s. 23,  
subs. 7,  
amended

**10.**—(1) Subsection 7 of section 23 of *The Dentistry Act* is amended by striking out "duly articulated" in the first line and by striking out "clinics and" in the second and third lines and inserting in lieu thereof "public hospitals, clinics and faculties of dentistry or to", so that the subsection shall read as follows:

Saving  
as to  
students

- (7) Nothing in this section prevents any student of dental surgery from receiving instruction in public hospitals, clinics and faculties of dentistry or to practise under the personal supervision of a member of the College.

R.S.O. 1960,  
c. 91, s. 23,  
subs. 8,  
re-enacted

(2) Subsection 8 of the said section 23 is repealed and the following substituted therefor:

Offences

- (8) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable for the first offence to a fine of not less than \$50 and not more than \$200, for the second offence to a fine of not less than \$200 and not more than \$500, and for every subsequent offence to a fine of not less than \$500, and he is not entitled to sue or recover in any court for any services that he performed or materials that he provided in the ordinary and customary work of a dental surgeon.

R.S.O. 1960,  
c. 91, s. 24,  
re-enacted

**11.** Section 24 of *The Dentistry Act*, as amended by section 2 of *The Dentistry Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Suspension  
and cancel-  
lation of  
certificates

- 24.**—(1) Where a member of the College has been heretofore or is hereafter convicted in Canada or elsewhere of an indictable offence, which conviction remains unreversed, or has been or is guilty of any infamous, disgraceful or improper conduct in a professional respect, he is subject to the disciplinary action and liable to the penalties provided for in this

Act, but no disciplinary action shall be taken or any penalty imposed if the conviction is for a political offence committed out of the Commonwealth or for an offence that, though indictable, ought not, either from its nature or from the circumstances under which it was committed, to justify such disciplinary action or the imposition of such penalties.

- (2) Where a member of the College is guilty of infamous, disgraceful or improper conduct in a professional respect, he is subject to disciplinary action and liable to the penalties provided for in this Act, notwithstanding that he has been acquitted of a criminal charge in respect of the same case. <sup>Idem</sup>
- (3) The Board or the executive committee thereof of its own motion may, or, upon the application in writing of four members of the College, the president shall, instruct the discipline committee to inquire into any case in which it is alleged that a member of the College is liable to disciplinary action or the imposition of penalties for any of the causes mentioned in subsection 1. <sup>Inquiry</sup>

24a.—(1) The Board may by by-law provide for, <sup>Complaints committee</sup>

- (a) the establishment of a complaints committee, which shall have authority to consider complaints regarding the conduct or actions of a member of the College and to refer any such complaint, in whole or in part, to the discipline committee;
  - (b) the composition and quorum of the complaints committee; and
  - (c) the procedure to be followed by the complaints committee in the conduct of its business.
- (2) Notwithstanding subsection 1 and any by-law passed thereunder, the Board or the executive committee thereof, or the president on the application in writing of four members of the College, shall continue to have the authority mentioned in subsection 3 of section 24 to direct that an inquiry be made by the discipline committee into any case of alleged infamous, disgraceful or improper conduct in a professional respect on the part of a member of the College. <sup>Inquiry powers in s. 24, subs. 3, not affected</sup>



R.S.O. 1960,  
c. 91, s. 25,  
subs. 1,  
amended

**12.**—(1) Subsection 1 of section 25 of *The Dentistry Act* is amended by adding at the end thereof “and exercising the disciplinary functions and imposing the penalties provided for by this Act”, so that the subsection shall read as follows:

Discipline  
committee

- (1) The Board shall appoint and always maintain a discipline committee of its own body for the purpose of ascertaining the facts of each case that may become the subject of inquiry and exercising the disciplinary functions and imposing the penalties provided for by this Act.

R.S.O. 1960,  
c. 91, s. 25,  
subs. 10,  
amended

(2) Subsection 10 of the said section 25 is amended by striking out “in the county or district in which the member whose conduct is the subject of inquiry resides, unless such member and the Board agree to the meeting being held” in the second, third, fourth and fifth lines, so that the subsection shall read as follows:

Place of  
meeting

- (10) All meetings of the committee for taking evidence or otherwise ascertaining the facts shall be held at the city of Toronto.

R.S.O. 1960,  
c. 91, s. 25,  
subss. 17-21,  
re-enacted

(3) Subsections 17, 18, 19, 20 and 21 of the said section 25 are repealed and the following substituted therefor:

Duties  
of the  
discipline  
committee

- (17) The committee shall,

- (a) inquire into the conduct of any member of the College when so directed by the Board or the executive committee thereof or by the president;
- (b) hold hearings into charges made against members of the College in accordance with the practice and procedure prescribed by this section and the by-laws;
- (c) inquire into and report to the Board upon an application by a former member of the College to have his certificate of licence restored; and
- (d) perform such other duties as are assigned to it by the Board.

Powers of  
discipline  
committee

- (18) Where after a hearing the committee finds that a member of the College is guilty of infamous, disgraceful or improper conduct in a professional respect, it may by order do any or all of the following things:

1. Suspend the certificate of licence of such member for a period of not more than twelve months.
  2. Impose upon such member a fine of not more than \$1,000.
  3. Direct that such member be reprimanded, and, if deemed warranted, that the fact of such reprimand be recorded on the record of such member.
  4. Direct that the imposition of a penalty be suspended or postponed for such period and upon such terms as it may designate and that, upon compliance with the terms, any penalty imposed be remitted.
  5. Direct that such member pay to the College the costs of and incidental to the inquiry, which may include fees and disbursements for work done or proceedings taken before the inquiry was held and the cost of reporting and transcribing evidence.
- (19) The costs, including the costs of appeal, if any, shall be taxed on the Supreme Court scale by the taxing officer of the Supreme Court at Toronto and shall, as far as practicable, be the same as in an action in the Supreme Court, and, upon the certificate of the taxing officer, execution may issue out of the Supreme Court for the collection of such costs by the College as upon a judgment in an action in such Court. Taxation and collection of costs
- (20) Where the complaint is found to be frivolous or vexatious, the committee may direct that such costs as to it seem just be paid to the member of the College whose conduct is the subject of inquiry. Costs in frivolous or vexatious complaints
- (21) Where the committee is of the opinion that the certificate of licence of a member of the College should be cancelled or suspended for a period of more than twelve months, it shall make a report of the facts and its findings and recommendations thereon to the Board and may therewith transmit a transcript of the evidence taken at the inquiry, but the committee may suspend the certificate of licence of such member pending the decision of the Board. Suspension of the certificate of licence for a period exceeding twelve months

R.S.O. 1960,  
c. 91,  
amended

**13.** *The Dentistry Act* is amended by adding thereto the following section:

Powers and  
duties of  
the Board in  
disciplinary  
matters

25a.—(1) The powers and duties of the Board in disciplinary matters are,

- (a) to receive and record reports of the discipline committee in respect of cases that have been completely dealt with by the committee and from which no appeal has been taken;
- (b) to receive and consider reports of the discipline committee,
  - (i) in cases in which the committee is of the opinion that the penalty imposed should include cancellation or suspension for more than twelve months of the certificate of licence of the member of the College,
  - (ii) in cases of appeal from the decision of the committee, or
  - (iii) in applications for the restoration of the certificate of licence of a member of the College,

and to make such findings and orders in respect thereof and impose such penalties as the Board considers proper.

Idem

- (2) The Board may act upon the report of the discipline committee or may require that it be furnished with a transcript of the evidence taken and may refer the matter back to the committee to take additional evidence.

Idem

- (3) The Board may impose upon a member of the College any penalty that the discipline committee is authorized to impose or may direct that the certificate of licence of such member be cancelled or suspended for such period as the Board considers proper.

Idem

- (4) The Board may direct the restoration of the certificate of licence of a member of the College and that such restoration be subject to the payment by the member of such fee, not exceeding the initial registration fee, as the Board specifies.



- (5) The Board may require any member of the College who in the opinion of the Board is performing sub-standard dental services in general or in some specific branch of dentistry in particular to present himself for such course or courses of prescribed instruction and at the end of such course or courses to present himself for such re-examination or re-examinations that in the opinion of the Board is or are required to demonstrate his competence, and may suspend the certificate of licence of such member pending satisfactory demonstration of his competence on such examination or examinations.
- Power of the Board to require re-examination

**14.** Section 27 of *The Dentistry Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 91, s. 27, re-enacted

27.—(1) Any member of the College aggrieved by any decision or order of the discipline committee may appeal to the Board within thirty days from the date of such decision or order and may further appeal to the Court of Appeal at any time within thirty days from the date of any decision or order of the Board by which he is aggrieved, and the Board or the Court of Appeal, as the case may be, may upon the hearing of such appeal make such order in the matter and as to the costs of the hearing of the appeal as the Board or the Court of Appeal deems proper.

Appeal

(2) The practice and procedure upon and in relation to an appeal to the Court of Appeal shall be similar to that provided by *The County Courts Act*, except that the proceedings and evidence shall be certified by the secretary of the College to the Court of Appeal.

Practice and procedure on appeal  
R.S.O. 1960, c. 76

**15.** Section 28 of *The Dentistry Act* is repealed.

R.S.O. 1960, c. 91, s. 28, repealed

**16.** Paragraph 3 of the Schedule to *The Dentistry Act* is amended by inserting after "Nipissing" in the second line "Patricia", so that the paragraph shall read as follows:

R.S.O. 1960, c. 91, Sched., amended

Electoral District No. 3 shall consist of the following districts:  
Algoma, Kenora, Manitoulin, Nipissing, Patricia, Parry Sound, Rainy River, Sudbury, Thunder Bay, Cochrane, and Timiskaming.

**17.** This Act comes into force on the day it receives Royal Assent.

Commencement

**18.** This Act may be cited as *The Dentistry Amendment Act, 1966*.

Short title

An Act to amend The Dentistry Act

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*1st Reading*

June 7th, 1966

*2nd Reading*

June 14th, 1966

*3rd Reading*

June 28th, 1966

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MR. DYMOND

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# **BILL 158**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Pesticides Act**

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**MR. DYMOND**

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EXPLANATORY NOTE

This Bill is designed to introduce additional measures to control hazards to health in the use of herbicides and pesticides.

## An Act to amend The Pesticides Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The Pesticides Act* is amended by inserting after “out” in the second line “or enters into a contract to carry out”, so that the clause shall read as follows: R.S.O. 1960,  
c. 293, s. 1,  
cl. *c*,  
amended

- (*c*) “exterminator” means any person who, by himself or by his employees, assistants or agents, carries out or enters into a contract to carry out an extermination.

(2) The said section 1 is amended by adding thereto the following clause: R.S.O. 1960,  
c. 293, s. 1,  
amended

- (*ca*) “inspector” means a person designated under section 8 or of a class of persons designated by the regulations.

2. *The Pesticides Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 293,  
amended

- 1a. The Minister is responsible for the administration and enforcement of this Act and the regulations. Administration

3. Sections 8 and 9 of *The Pesticides Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 293,  
ss. 8, 9,  
re-enacted

8. The Minister may designate one or more persons as inspectors for the purposes of this Act and the regulations. Inspectors

9. Any inspector for the purposes of the administration and enforcement of this Act and the regulations may enter and inspect any premises or vehicle and take samples of, Powers

(a) pesticides or herbicides;

(b) soil or water; or

(c) food for man or animal.

Idem

9a. Where any person is performing an extermination and an inspector is of the opinion that the extermination is or may be dangerous to health, the inspector may order that the extermination be terminated.

Obstruction  
of inspector

9b. No person shall obstruct, hinder, delay or prevent an inspector in the exercise of any of his powers or in the performance of any of his duties.

R.S.O. 1960,  
c. 293, s. 10,  
cl. a,  
amended

4.—(1) Clause *a* of section 10 of *The Pesticides Act* is amended by adding at the end thereof "and prescribing fees for such examination", so that the clause shall read as follows:

(a) prescribing the qualifications of exterminators and assistant exterminators and providing for the examination of applicants for licences as exterminators and assistant exterminators, and prescribing fees for such examination.

R.S.O. 1960,  
c. 293, s. 10,  
cl. i  
(1962-63,  
c. 104, s. 2,  
subs. 2),  
re-enacted

(2) Clause *i* of the said section 10, as re-enacted by subsection 2 of section 2 of *The Pesticides Amendment Act, 1962-63*, is repealed and the following substituted therefor:

(i) classifying and designating substances used for extermination, and prohibiting any class of exterminators from using such substances or any of them.

R.S.O. 1960,  
c. 293, s. 10,  
cl. k,  
re-enacted

(3) Clause *k* of the said section 10 is repealed and the following substituted therefor:

(k) regulating or prohibiting the installation, operation, maintenance and use of any machine, apparatus or equipment used for extermination.

R.S.O. 1960,  
c. 293, s. 10,  
amended

(4) The said section 10 is amended by adding thereto the following clauses:

(la) designating classes of persons as inspectors for the purposes of this Act and the regulations;

(lb) governing, regulating or prohibiting the use, handling or storage of substances used for extermination;

- (lc) requiring and providing for the registration of persons who sell or offer for sale or distribute any designated substance used for extermination;
- (ld) requiring persons who handle or use any designated substance used for extermination to undergo medical examination and supervision, and providing for such medical examination and supervision;
- (le) regulating the type of containers for substances used for extermination, other than the containers in which such substances are sold or offered for sale, and the labelling thereof;
- (lf) regulating the disposal of containers of any substance used for extermination;
- (lg) prescribing the records to be kept and returns to be made by persons licensed or registered under this Act or the regulations.

**5.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent.<sub>ment</sub>

**6.** This Act may be cited as *The Pesticides Amendment Act*, <sup>Short title</sup> 1966.



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An Act to amend The Pesticides Act

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*1st Reading*

June 7th, 1966

*2nd Reading*

*3rd Reading*

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MR. DYMOND

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# **BILL 158**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Pesticides Act**

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**MR. DYMOND**

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## An Act to amend The Pesticides Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *c* of section 1 of *The Pesticides Act* is amended by inserting after “out” in the second line “or enters into a contract to carry out”, so that the clause shall read as follows: R.S.O. 1960,  
c. 293, s. 1,  
cl. *c*,  
amended

(*c*) “exterminator” means any person who, by himself or by his employees, assistants or agents, carries out or enters into a contract to carry out an extermination.

(2) The said section 1 is amended by adding thereto the following clause: R.S.O. 1960,  
c. 293, s. 1,  
amended

(*ca*) “inspector” means a person designated under section 8 or of a class of persons designated by the regulations.

**2.** *The Pesticides Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 293,  
amended

1a. The Minister is responsible for the administration and enforcement of this Act and the regulations. Administra-  
tion

**3.** Sections 8 and 9 of *The Pesticides Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 293,  
ss. 8, 9,  
re-enacted

8. The Minister may designate one or more persons as inspectors for the purposes of this Act and the regulations. Inspectors

9. Any inspector for the purposes of the administration and enforcement of this Act and the regulations may enter and inspect any premises or vehicle and take samples of, Powers

(a) pesticides or herbicides;

(b) soil or water; or

(c) food for man or animal.

Idem

9a. Where any person is performing an extermination and an inspector is of the opinion that the extermination is or may be dangerous to health, the inspector may order that the extermination be terminated.

Obstruction  
of inspector

9b. No person shall obstruct, hinder, delay or prevent an inspector in the exercise of any of his powers or in the performance of any of his duties.

R.S.O. 1960,  
c. 293, s. 10,  
cl. a,  
amended

4.—(1) Clause *a* of section 10 of *The Pesticides Act* is amended by adding at the end thereof "and prescribing fees for such examination", so that the clause shall read as follows:

(a) prescribing the qualifications of exterminators and assistant exterminators and providing for the examination of applicants for licences as exterminators and assistant exterminators, and prescribing fees for such examination.

R.S.O. 1960,  
c. 293, s. 10,  
cl. i  
(1962-63,  
c. 104, s. 2,  
subs. 2),  
re-enacted

(2) Clause *i* of the said section 10, as re-enacted by subsection 2 of section 2 of *The Pesticides Amendment Act, 1962-63*, is repealed and the following substituted therefor:

(i) classifying and designating substances used for extermination, and prohibiting any class of exterminators from using such substances or any of them.

R.S.O. 1960,  
c. 293, s. 10,  
cl. k,  
re-enacted

(3) Clause *k* of the said section 10 is repealed and the following substituted therefor:

(k) regulating or prohibiting the installation, operation, maintenance and use of any machine, apparatus or equipment used for extermination.

R.S.O. 1960,  
c. 293, s. 10,  
amended

(4) The said section 10 is amended by adding thereto the following clauses:

(la) designating classes of persons as inspectors for the purposes of this Act and the regulations;

(lb) governing, regulating or prohibiting the use, handling or storage of substances used for extermination;

- (lc) requiring and providing for the registration of persons who sell or offer for sale or distribute any designated substance used for extermination;
- (ld) requiring persons who handle or use any designated substance used for extermination to undergo medical examination and supervision, and providing for such medical examination and supervision;
- (le) regulating the type of containers for substances used for extermination, other than the containers in which such substances are sold or offered for sale, and the labelling thereof;
- (lf) regulating the disposal of containers of any substance used for extermination;
- (lg) prescribing the records to be kept and returns to be made by persons licensed or registered under this Act or the regulations.

**5.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent.  
ment

**6.** This Act may be cited as *The Pesticides Amendment Act*, <sup>Short title</sup>  
1966.







An Act to amend The Pesticides Act

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*1st Reading*

June 7th, 1966

*2nd Reading*

June 14th, 1966

*3rd Reading*

June 23rd, 1966

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MR. DYMOND

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# **BILL 159**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Ontario Water Resources Commission Act**

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**MR. SIMONETT**

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#### EXPLANATORY NOTES

SECTION 1. At present, where lands or buildings are disturbed because of preliminary investigations or surveys made by the Commission on any premises or roads, the Commission is required to restore them to their original condition. The amendment will make the Commission liable for any damages incidental to the exercise of its powers in this regard. Authority is given to the Commission and its employees to enter boats to which the regulations apply for the purpose of carrying out inspections.

SECTION 2. Section 19a is self-explanatory.

Section 19b is to make valid the rights of the Commission or a municipality affecting land in respect of water or sewage works that are analogous to easements and to make the terms, conditions and covenants of the instrument creating the right binding upon the successors of the parties to the instrument.

BILL 159

1966

## An Act to amend The Ontario Water Resources Commission Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 18 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 281, s. 18,  
subs. 1,  
re-enacted

- (1) The Commission and its employees and agents may at any time for its purposes, without consent and without compensation, enter into the lands or buildings of the Province or of any municipality or of any person, or into any highway or road under the jurisdiction and control of any public authority, or into any boat or ship to which the regulations under clause *ha* of subsection 1 of section 47 apply, and may make such surveys, examinations, investigations, inspections or other arrangements as it deems necessary, and, except as provided in subsection 3, the Commission is liable for any damage occasioned thereby. Inspection  
of premises,  
etc.

**2.** *The Ontario Water Resources Commission Act* is amended by adding thereto the following sections: R.S.O. 1960,  
c. 281,  
amended

- 19a. Subject to section 19, *The Public Works Act* does not apply to real or personal property of the Commission acquired for the purpose of a project or for the provision of water or sewage service by the Commission as defined in section 46a. Application  
of R.S.O.  
1960, c. 338,  
to property  
acquired  
for water  
or sewage  
service

- 19b.—(1) A right or interest in, over, above, upon, across, along, through, under or affecting any land or any covenant or condition relating thereto, in respect of water or sewage works, in favour of the Commission or any municipality having a contract with the Commission in respect of water or sewage works is valid Instruments  
creating  
rights  
analogous to  
easements

and enforceable in accordance with the terms of the instrument granting, creating or containing them, notwithstanding that the right or interest or the benefit of the covenant or condition is not appurtenant or annexed to or for the benefit of any land of the Commission or the municipality.

Terms of  
instrument  
binding on  
successors

- (2) On and after the registration of an instrument to which subsection 1 applies in the proper registry or land titles office, all the rights, interests, covenants and conditions granted or created by or contained in the instrument are binding upon and enure to the benefit of the heirs, successors, personal representatives and assigns of the parties to the instrument.

Liability  
of grantor  
for breach  
of covenant  
limited

- (3) A party to an instrument to which subsection 1 applies or a person to whom subsection 2 applies is not liable for breach of a covenant or condition contained in the instrument committed after he ceased to be the owner of the land therein mentioned, or after he ceased to hold the interest in the land by virtue of which he or his predecessor in title executed the instrument.

Land  
to remain  
subject to  
instrument  
when sold  
for taxes

- (4) Where the land mentioned in an instrument to which subsection 1 applies is sold for taxes, the land shall be deemed to have been sold subject to any right or interest granted or created by and any condition or covenant contained in the instrument.

Application

- (5) This section applies to rights, interests, covenants and conditions granted or created by or contained in any instrument of the type mentioned in subsection 1, executed after the 28th day of March, 1956.

R.S.O. 1960,  
c. 281, s. 26,  
subs. 3  
(1964,  
c. 86, s. 3),  
amended

**3.** Subsection 3 of section 26 of *The Ontario Water Resources Commission Act*, as re-enacted by section 3 of *The Ontario Water Resources Commission Amendment Act, 1964*, is amended by inserting after "period" in the thirteenth line "not exceeding twenty-one days" and by adding at the end thereof "and such order may, on application to a judge of the Supreme Court or of the county or district court of the county or district in which the material is being discharged or deposited, be continued for such period and on such terms and conditions as the judge deems proper", so that the subsection shall read as follows:

Injunction  
to prevent  
pollution  
of water

- (3) Where any person is discharging or depositing or causing or permitting the discharge or deposit of any material of any kind into or in or near any well,



SECTION 3. At present, an *ex parte* order prohibiting the deposit of material in water that may impair its quality may be given for such period of time as the judge deems proper. The amendment will limit the *ex parte* order to a maximum period of twenty-one days with authority to have the order continued on motion and notice to parties affected.

SECTION 4. At present, the Commission may only require the person to stop or regulate the flowing or leaking of water. The amendment will authorize the Commission to require the person to take such measures as the notice may require.

SECTION 5. The provisions respecting the extension of sewage works from one municipality into another municipality are revised to apply to the establishment of sewage works by one municipality in another municipality.

Subsection 10 is new and makes the provisions respecting hearings apply where a person contemplates extending a sewage works from one municipality to another municipality.

lake, river, pond, spring, stream, reservoir or other body of water or watercourse that, in the opinion of the Commission, may impair the quality of the water in such well, lake, river, pond, spring, stream, reservoir or other body of water or watercourse, the Commission may apply *ex parte* to a judge of the Supreme Court or of the county or district court of the county or district in which the material is being discharged or deposited for an order prohibiting such discharge or deposit for such period not exceeding twenty-one days and on such terms and conditions as the judge deems proper, and such order may, on application to a judge of the Supreme Court or of the county or district court of the county or district in which the material is being discharged or deposited, be continued for such period and on such terms and conditions as the judge deems proper.

4. Subsection 5 of section 28a of *The Ontario Water Resources Commission Act*, as re-enacted by subsection 3 of section 5 of *The Ontario Water Resources Commission Amendment Act, 1964*, is amended by adding at the end thereof "or require such person or owner to take such measures in relation to such flowing, leaking, diversion or release of water as the notice requires", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 281, s. 28a,  
subs. 5  
(1964,  
c. 86, s. 5,  
subs. 3),  
amended

- (5) Where the flowing or leaking of water from a well, or the diversion, flowing or release of water from or by means of a hole or excavation made in the ground for any purpose other than the taking of water, interferes, in the opinion of the Commission, with any public or private interest in any water, the Commission may, by notice served on or sent to the person who constructed or made such well, hole or excavation or to the registered owner of the land in which such well, hole or excavation is located, require the person or owner to stop or regulate such flowing, leaking, diversion or release of water in such manner and within such time as the Commission directs, or require such person or owner to take such measures in relation to such flowing, leaking, diversion or release of water as the notice requires.

Flowing or  
leaking of  
water from  
well, etc.,  
regulated

5. Section 32 of *The Ontario Water Resources Commission Act*, as amended by section 10 of *The Ontario Water Resources Commission Amendment Act, 1961-62* and section 5 of *The Ontario Water Resources Commission Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 281, s. 32,  
re-enacted

Establishment or extension of sewage works in or into another municipality, etc.

- 32.—(1) Where any municipality contemplates establishing or extending its sewage works in or into another municipality or territory without municipal organization, the Commission shall, before giving its approval under section 31, hold a public hearing and give at least ten days notice of the hearing to the clerk of each other municipality concerned and to such other persons and in such manner as the Commission may direct.

Hearing

- (2) Any public hearing required by this section may be held by any member of the Commission, and he shall report thereon to the Commission.

Powers of municipality after approval

- (3) Where the Commission has given its approval under section 31 to an establishment or extension under subsection 1, the municipality undertaking the establishment or extension may enter upon, take and use such lands in such other municipality or municipalities or territory without municipal organization as may be necessary, and for that purpose has the same powers within such municipality or municipalities or territory as it has within its own municipality, and paragraph 83 of subsection 1 of section 379 of *The Municipal Act* does not apply.

R.S.O. 1960, c. 249

Commission may vary approval

- (4) The Commission may amend or vary any approval given under section 31 to an establishment or extension under subsection 1, but before so acting the Commission shall comply with the requirements of subsection 1 with respect to the holding of a public hearing and the giving of notice thereof.

Application to Board

- (5) Where the Commission has given its approval under section 31 to an establishment or extension under subsection 1, the municipality undertaking the establishment or extension, before proceeding therewith, may apply to the Board for an order,

- (a) stopping up and closing any highway, road or road allowance, temporarily or permanently, for the purpose of allowing the establishment or extension to be carried on and vesting it in the municipality undertaking the establishment or extension, and providing for the opening of another highway, road or road allowance in lieu of the highway, road or road allowance so stopped up and closed, and section 91 of *The Registry Act* does not apply;

R.S.O. 1960, c. 348



- (b) ordering that any building restrictions, covenants running with the land or any limitations placed upon the estate or interest of any person in any lands upon or through which it is proposed that the establishment or extension may be constructed shall be terminated and shall be no longer operative or binding upon or against any person, and directing that any such order be registered under *The Registry Act*; and R.S.O. 1960,  
c. 348

- (c) fixing the compensation for lands taken or injuriously affected in the construction, maintenance or operation of the establishment or extension,

and notice of the application shall be given to the clerk of each other municipality concerned and to such other persons and in such manner as the Board may direct.

- (6) The registration of an order under clause *b* of subsection 5 is a bar to any action or proceeding taken by any person claiming any right or benefit under or by reason of any such restrictions, covenants, interests, estate or title in the lands described in the order. Registration  
of order
- (7) Where sewage works of a municipality are established or extended in or into another municipality, the municipality in or into which the sewage works are established or extended may make an agreement with the owner of the sewage works for the connecting with and the use of the sewage works. Agreements  
as to use
- (8) Where a municipality in or into which sewage works are established or extended is unable to make an agreement under subsection 7, the Board, upon an application authorized by by-law of its council, may confer the right to make use of the sewage works upon the applicant municipality and the inhabitants thereof whose properties may be conveniently served by the sewage works, and prescribe the terms and conditions of such use. Application  
by municipi-  
pality
- (9) Where an agreement is made under subsection 7 or an order is made under subsection 8, the municipality in or into which the sewage works are established or extended may assess, levy and collect as taxes the amounts to be paid under the agreement or order in Municipality may  
collect as  
taxes  
amounts  
agreed or  
ordered to  
be paid



the same manner and to the same extent as if the municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.

Application  
of subs. 1,  
2, 4 to  
person

- (10) Subsections 1, 2 and 4 apply *mutatis mutandis* to a person who contemplates extending his sewage works from one municipality into another municipality or into territory without municipal organization.

R.S.O. 1960,  
c. 281  
amended

6. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Establish-  
ment or  
extension  
within a  
municipality  
of sewage  
treatment  
works

- 32a.—(1) Where, in any municipality, the municipality or a person contemplates establishing or extending a sewage treatment works within the municipality, the Commission may, before giving its approval under section 31, hold a public hearing, in which case the Commission shall give at least ten days notice of the hearing to the clerk of the municipality and to such other persons and in such manner as the Commission may direct.

Hearing

- (2) Any public hearing under subsection 1 may be held by any member of the Commission and he shall report thereon to the Commission.

Commission  
may vary  
approval

- (3) The Commission may amend or vary any approval given under section 31 to an establishment or extension under subsection 1 and, before so acting, the Commission may hold a public hearing, in which case it shall give notice thereof in accordance with subsection 1.

R.S.O. 1960,  
c. 281, s. 40,  
subs. 1,  
par. 1,  
cl. a,  
re-enacted

7. Clause *a* of paragraph 1 of subsection 1 of section 40 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

- (a) the proportion payable by the municipality or municipalities party or parties to the project, as adjusted by the Commission, of the total amount of interest and expenses of debt service payable by the Commission in each such year in respect of all borrowings of the Commission from time to time outstanding and made by the Commission at any time before or after the making of such agreement for the purpose of meeting,

- (i) the cost or estimated cost of all projects, except projects under agreements referred to in subsection 1a, or

SECTION 6. Section 32*a* authorizes the Commission to require a public hearing before it gives its approval to the establishment or extension within a municipality of sewage treatment works.

SECTION 7. Clause *a* is re-enacted to clarify the financing of projects for which a varying interest rate is charged.

SECTION 8. The amendment is to bring the subsection into line with a recent amendment to section 380 of *The Municipal Act* relating to water works rates.

SECTION 9. Clause *b* of subsection 4 is new and authorizes municipalities to prepay any sum to reduce the cost of a project.

SECTION 10. The Commission is authorized to designate water and sewage service areas and to make orders for the purpose of controlling, regulating, prohibiting, requiring or providing water service or sewage service in the areas.

- (ii) the cost or estimated cost of all projects referred to in subsection 1a,

at any time theretofore or thereafter acquired, provided or constructed or in course of acquisition, provision or construction by the Commission pursuant to any agreement or agreements, or for any other purpose of the Commission respecting such projects, including the refunding or repayment in whole or in part of any such borrowings.

8. Subsection 4 of section 41 of *The Ontario Water Resources Commission Act* is amended by striking out "sewer" in the fourth line and inserting in lieu thereof "water works", so that the subsection shall read as follows: R.S.O. 1960, c. 281, s. 41, subs. 4, amended

- (4) Every water works rate or water service rate imposed under this section shall, in so far as is practicable and subject to this section, be imposed in the same manner and with and subject to the same provisions as apply to a water works rate or sewage service rate, respectively, under section 380 of *The Municipal Act*, and that section applies *mutatis mutandis* to the imposition of such rates. Idem R.S.O. 1960, c. 249

9. Subsection 4 of section 42 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 281, s. 42, subs. 4, re-enacted

- (4) A municipality may pay and the Commission may accept, Prepayment

(a) in advance of the time that it would otherwise be payable, any sum in respect of any sum mentioned in section 40; and

(b) any sum to reduce the cost of a project.

10. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section: R.S.O. 1960, c. 281, amended

#### PUBLIC WATER OR SEWAGE SERVICE AREA

46a.—(1) In this section,

**Interpre-**  
**tation**

- (a) "sewage service" means the acceptance, collection, transmission, storage, treatment and disposal of sewage, or any one or more of them;



- (b) "water service" means the taking, collection, production, treatment, storage, supply, transmission, distribution, sale, purchase and use of water, or any one or more of them.

Area of  
public water  
or sewage  
service

- (2) Notwithstanding any general or special Act or any regulation or order made thereunder, where, in the opinion of the Commission, it is in the public interest to do so, the Commission may, with the approval of the Minister, make an order defining and designating an area as an area of public water service or an area of public sewage service, and, by order from time to time, for the purpose of controlling, regulating, prohibiting, requiring or providing water service or sewage service in the area, may,

- (a) impose such terms and conditions in the area as the Commission deems necessary;
- (b) require that any contract with respect to water service or sewage service in the area be terminated or amended in accordance with the order; and
- (c) fix and impose rates or charges upon any municipality or person in the area for the provision by the Commission of water service or sewage service to the municipality or person.

Termination  
and amend-  
ment of  
contracts

- (3) Where an order is made by the Commission requiring that any contract be terminated or amended, such contract shall be deemed to be terminated and no longer operative or binding upon or against any municipality or person or shall be deemed to be amended, as the case may be, in accordance with the order.

Hearing

- (4) The Commission shall, before making an order under subsection 2, hold a public hearing and give at least twenty-one days notice of the hearing to the clerk of such municipality or municipalities and to such person or persons and in such manner as the Commission may direct.

Amending  
order

- (5) The Commission may amend the terms and conditions in any order, and, with the approval of the Minister, may amend the definition or designation of an area in any order, but, before amending the definition or designation of an area, the Commission



shall comply with the requirements of subsection 4 with respect to the holding of a hearing and the giving of notice thereof.

- (6) Any public hearing required by this section shall be held by not fewer than two members of the Commission, and they shall report thereon to the Commission. Hearing before two members
- (7) A copy of an order of the Commission made under this section shall be sent by the secretary of the Commission by registered mail to the clerk of every municipality and to every person named in the order, and to such other persons as the Commission may direct. Copies of order
- (8) Upon the petition of, Petition re definition of area
  - (a) any municipality affected by an order under this section;
  - (b) any person who is a party to a contract terminated or amended by an order under this section; or
  - (c) any owner or occupant of land in an area of public water service or an area of public sewage service who is affected by an order under this section in a different manner and to a different extent than all other owners or occupants of land in the area,

filed with the clerk of the Executive Council within twenty-eight days after the mailing of copies of the order under subsection 7, the Lieutenant Governor in Council may confirm, vary or rescind the definition or designation of the area in the order, and such confirmation, variation or rescission is binding upon the Commission and such municipality, person, owner or occupant.

- (9) Where a contract is terminated or amended by an order under this section, the Commission shall make due compensation to any municipality or person named in the contract as a party thereto for any damage necessarily resulting from the termination or amendment of the contract, as the case may be, beyond any advantage that it or he may derive from water service or sewage service provided under the order. Compensation

Determina-  
tion of com-  
pensation

R.S.O. 1960,  
c. 274

- (10) Subject to this section, a claim for compensation, if not agreed upon by the Commission and the municipality or person making the claim, shall be determined by the Board and not otherwise, and *The Ontario Municipal Board Act*, except section 94, applies as far as is practicable to every such claim.

Muni-  
cipality may  
raise money  
for pay-  
ments under  
order

- (11) For the purpose of meeting periodic payments to the Commission under an order made under this section, a municipality may raise money by any method or methods authorized by law or by any combination thereof as if the municipality itself were proposing to construct, were constructing or had constructed water works or sewage works or were operating and maintaining water works or sewage works.

Rates in  
defined  
area

- (12) For the purpose of meeting periodic payments to the Commission under an order made under this section, a municipality may, with the approval of the Board, by by-law define an area that in the opinion of the council of the municipality will derive a benefit from the water service or sewage service provided under the order and may impose a rate or charge upon the owners or occupants of all land in such defined area.

Offence

- (13) Every municipality or person who contravenes any order made under this section is guilty of an offence and on summary conviction is liable to a fine of \$500 for every day upon which such contravention continues.

Petition  
re rates  
and charges

- (14) Upon the petition of any municipality or person required to pay a rate or charge imposed by an order under this section, filed with the clerk of the Executive Council within twenty-eight days after the mailing of copies of the order under subsection 7, the Lieutenant Governor in Council may confirm, vary or rescind such rate or charge or may refer the petition to the Board or to such person or persons as the Lieutenant Governor in Council may designate, and the Board or such person or persons may confirm, vary or rescind such rate or charge, and any order made by the Lieutenant Governor in Council or the Board or such person or persons with respect thereto is binding upon the Commission and the municipality and person required to pay such rate or charge.



SECTION 11—Subsection 1. The provision authorizing the making of regulations respecting plumbing is amended to authorize the word “plumbing” to be defined for the purposes of the regulations, and authority is given to adopt by regulation the standards of the Canadian Standards Association respecting pipes, fittings, fixtures and materials used in plumbing, and the testing and certification thereof.

Subsection 2. The amendment authorizes regulations to be made providing for the approval by the Commission of equipment used on boats for the storage, treatment and disposal of sewage and for prohibiting the use of equipment that does not conform to the regulations.

Subsection 3. The amendment authorizes regulations to be made requiring and providing for the licensing of persons who operate equipment for boring or drilling water wells.



11.—(1) Clause *e* of subsection 1 of section 47 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 281, s. 47,  
subs. 1,  
cl. *e*,  
re-enacted

(*e*) regulating and controlling the location, construction, repair, renewal or alteration of plumbing and the material to be used in the construction thereof, and requiring municipalities to carry out such inspections with respect to plumbing as may be prescribed;

(*ea*) adopting by reference, in whole or in part, with such changes as the Commission considers necessary, the standards made or adopted by the Canadian Standards Association respecting pipes, fittings, fixtures and materials used in plumbing, and providing for the testing and marking of such pipes, fittings, fixtures and materials or any class or classes thereof by the Canadian Standards Association and prohibiting the use in plumbing of such pipes, fittings, fixtures and materials that are not marked as approved by the Canadian Standards Association;

(*eb*) defining plumbing for the purposes of the regulations.

(2) Clause *ha* of subsection 1 of the said section 47, as enacted by subsection 1 of section 10 of *The Ontario Water Resources Commission Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 281, s. 47,  
subs. 1,  
cl. *ha*  
(1964,  
c. 86, s. 10,  
subs. 1),  
re-enacted

(*ha*) requiring and regulating the storage, treatment and disposal of sewage in boats and ships or any class or classes thereof and the equipment therefor, and prohibiting the use and installation of equipment for the storage, treatment or disposal of sewage in boats and ships or any class or classes thereof unless the equipment and installation thereof conform to the regulations, and providing for and requiring the approval of the Commission for any such equipment, and prohibiting and regulating the discharge of sewage from such boats and ships or any class or classes thereof.

(3) Subsection 1 of the said section 47 is amended by adding thereto the following clause: R.S.O. 1960,  
c. 281, s. 47,  
subs. 1,  
amended

(*ia*) requiring and providing for the licensing of persons who operate equipment for the boring or drilling of wells for water and prescribing the qualifications of persons to whom licences may be issued, and prescribing and charging fees for such licences, and providing for the revocation and suspension of licences.



R.S.O. 1960,  
c. 281,  
amended

**12.** *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Plumbing  
provisions  
in by-laws

47d. Notwithstanding any general or special Act, no provision of a by-law of a municipality, heretofore or hereafter passed, with respect to any matter that may be dealt with by regulation under clauses *e*, *ea* and *eb* of subsection 1 of section 47 has any force or effect.

R.S.O. 1960,  
c. 281,  
amended

**13.** *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Discharge  
of sewage  
into sewage  
works

50a.—(1) Where the discharge or deposit of sewage into a sewage works, in the opinion of the Commission, may interfere with the proper operation of a sewage works, the Commission may, by notice served on or sent to the municipality that or the person who discharges or deposits or causes or permits the discharge or deposit of sewage, require the municipality or person to stop or regulate such discharge or deposit or to take such measures in relation thereto in such manner and within such time as the notice may require.

Offence

(2) Every municipality that or person who contravenes a notice under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$200 for every day upon which the contravention continues.

Commence-  
ment

**14.**—(1) This Act, except sections 7 and 9, comes into force on the day it receives Royal Assent.

Idem

(2) Section 9 shall be deemed to have come into force on the 28th day of March, 1956.

Idem

(3) Section 7 shall be deemed to have come into force on the 1st day of January, 1966.

Commence-  
ment

**15.** This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1966*.

SECTION 12. The purpose of the amendment is to ensure that the provincial plumbing code will be the only plumbing code in effect in Ontario.

SECTION 13. The Commission is authorized to prohibit or regulate the discharge of sewage into a sewage works that may interfere with the proper operation of a sewage works.





An Act to amend The Ontario  
Water Resources Commission Act

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*1st Reading*

June 7th, 1966

*2nd Reading*

*3rd Reading*

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MR. SIMONETT

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# **BILL 159**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Ontario Water Resources Commission Act**

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**MR. SIMONETT**

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BILL 159

1966

## An Act to amend The Ontario Water Resources Commission Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 18 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 281, s. 18,  
subs. 1,  
re-enacted

- (1) The Commission and its employees and agents may at any time for its purposes, without consent and without compensation, enter into the lands or buildings of the Province or of any municipality or of any person, or into any highway or road under the jurisdiction and control of any public authority, or into any boat or ship to which the regulations under clause *ha* of subsection 1 of section 47 apply, and may make such surveys, examinations, investigations, inspections or other arrangements as it deems necessary, and, except as provided in subsection 3, the Commission is liable for any damage occasioned thereby. Inspection  
of premises,  
etc.

**2.** *The Ontario Water Resources Commission Act* is amended by adding thereto the following sections: R.S.O. 1960,  
c. 281,  
amended

- 19a. Subject to section 19, *The Public Works Act* does not apply to real or personal property of the Commission acquired for the purpose of a project or for the provision of water or sewage service by the Commission as defined in section 46a. Application  
of R.S.O.  
1960, c. 338,  
to property  
acquired  
for water  
or sewage  
service
- 19b.—(1) A right or interest in, over, above, upon, across, along, through, under or affecting any land or any covenant or condition relating thereto, in respect of water or sewage works, in favour of the Commission or any municipality having a contract with the Commission in respect of water or sewage works is valid Instruments  
creating  
rights  
analogous to  
easements

and enforceable in accordance with the terms of the instrument granting, creating or containing them, notwithstanding that the right or interest or the benefit of the covenant or condition is not appurtenant or annexed to or for the benefit of any land of the Commission or the municipality.

Terms of  
instrument  
binding on  
successors

- (2) On and after the registration of an instrument to which subsection 1 applies in the proper registry or land titles office, all the rights, interests, covenants and conditions granted or created by or contained in the instrument are binding upon and enure to the benefit of the heirs, successors, personal representatives and assigns of the parties to the instrument.

Liability  
of grantor  
for breach  
of covenant  
limited

- (3) A party to an instrument to which subsection 1 applies or a person to whom subsection 2 applies is not liable for breach of a covenant or condition contained in the instrument committed after he ceased to be the owner of the land therein mentioned, or after he ceased to hold the interest in the land by virtue of which he or his predecessor in title executed the instrument.

Land  
to remain  
subject to  
instrument  
when sold  
for taxes

- (4) Where the land mentioned in an instrument to which subsection 1 applies is sold for taxes, the land shall be deemed to have been sold subject to any right or interest granted or created by and any condition or covenant contained in the instrument.

Application

- (5) This section applies to rights, interests, covenants and conditions granted or created by or contained in any instrument of the type mentioned in subsection 1, executed after the 28th day of March, 1956.

R.S.O. 1960,  
c. 281, s. 26,  
subs. 3  
(1964,  
c. 86, s. 3),  
amended

**3.** Subsection 3 of section 26 of *The Ontario Water Resources Commission Act*, as re-enacted by section 3 of *The Ontario Water Resources Commission Amendment Act, 1964*, is amended by inserting after "period" in the thirteenth line "not exceeding twenty-one days" and by adding at the end thereof "and such order may, on application to a judge of the Supreme Court or of the county or district court of the county or district in which the material is being discharged or deposited, be continued for such period and on such terms and conditions as the judge deems proper", so that the subsection shall read as follows:

Injunction  
to prevent  
pollution  
of water

- (3) Where any person is discharging or depositing or causing or permitting the discharge or deposit of any material of any kind into or in or near any well,



lake, river, pond, spring, stream, reservoir or other body of water or watercourse that, in the opinion of the Commission, may impair the quality of the water in such well, lake, river, pond, spring, stream, reservoir or other body of water or watercourse, the Commission may apply *ex parte* to a judge of the Supreme Court or of the county or district court of the county or district in which the material is being discharged or deposited for an order prohibiting such discharge or deposit for such period not exceeding twenty-one days and on such terms and conditions as the judge deems proper, and such order may, on application to a judge of the Supreme Court or of the county or district court of the county or district in which the material is being discharged or deposited, be continued for such period and on such terms and conditions as the judge deems proper.

4. Subsection 5 of section 28a of *The Ontario Water Resources Commission Act*, as re-enacted by subsection 3 of section 5 of *The Ontario Water Resources Commission Amendment Act, 1964*, is amended by adding at the end thereof "or require such person or owner to take such measures in relation to such flowing, leaking, diversion or release of water as the notice requires", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 281, s. 28a,  
subs. 5  
(1964,  
c. 86, s. 5,  
subs. 3),  
amended

- (5) Where the flowing or leaking of water from a well, or the diversion, flowing or release of water from or by means of a hole or excavation made in the ground for any purpose other than the taking of water, interferes, in the opinion of the Commission, with any public or private interest in any water, the Commission may, by notice served on or sent to the person who constructed or made such well, hole or excavation or to the registered owner of the land in which such well, hole or excavation is located, require the person or owner to stop or regulate such flowing, leaking, diversion or release of water in such manner and within such time as the Commission directs, or require such person or owner to take such measures in relation to such flowing, leaking, diversion or release of water as the notice requires.
- Flowing or  
leaking of  
water from  
well, etc.,  
regulated

5. Section 32 of *The Ontario Water Resources Commission Act*, as amended by section 10 of *The Ontario Water Resources Commission Amendment Act, 1961-62* and section 5 of *The Ontario Water Resources Commission Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 281, s. 32,  
re-enacted



Establishment or extension of sewage works in or into another municipality, etc.

- 32.—(1) Where any municipality contemplates establishing or extending its sewage works in or into another municipality or territory without municipal organization, the Commission shall, before giving its approval under section 31, hold a public hearing and give at least ten days notice of the hearing to the clerk of each other municipality concerned and to such other persons and in such manner as the Commission may direct.

Hearing

- (2) Any public hearing required by this section may be held by any member of the Commission, and he shall report thereon to the Commission.

Powers of municipality after approval

- (3) Where the Commission has given its approval under section 31 to an establishment or extension under subsection 1, the municipality undertaking the establishment or extension may enter upon, take and use such lands in such other municipality or municipalities or territory without municipal organization as may be necessary, and for that purpose has the same powers within such municipality or municipalities or territory as it has within its own municipality, and paragraph 83 of subsection 1 of section 379 of *The Municipal Act* does not apply.

R.S.O. 1960,  
c. 249

Commission may vary approval

- (4) The Commission may amend or vary any approval given under section 31 to an establishment or extension under subsection 1, but before so acting the Commission shall comply with the requirements of subsection 1 with respect to the holding of a public hearing and the giving of notice thereof.

Application to Board

- (5) Where the Commission has given its approval under section 31 to an establishment or extension under subsection 1, the municipality undertaking the establishment or extension, before proceeding therewith, may apply to the Board for an order,

- (a) stopping up and closing any highway, road or road allowance, temporarily or permanently, for the purpose of allowing the establishment or extension to be carried on and vesting it in the municipality undertaking the establishment or extension, and providing for the opening of another highway, road or road allowance in lieu of the highway, road or road allowance so stopped up and closed, and section 91 of *The Registry Act* does not apply;

R.S.O. 1960,  
c. 348

- (b) ordering that any building restrictions, covenants running with the land or any limitations placed upon the estate or interest of any person in any lands upon or through which it is proposed that the establishment or extension may be constructed shall be terminated and shall be no longer operative or binding upon or against any person, and directing that any such order be registered under *The Registry Act*; and <sup>R.S.O. 1960, c. 348</sup>

- (c) fixing the compensation for lands taken or injuriously affected in the construction, maintenance or operation of the establishment or extension,

and notice of the application shall be given to the clerk of each other municipality concerned and to such other persons and in such manner as the Board may direct.

- (6) The registration of an order under clause *b* of subsection 5 is a bar to any action or proceeding taken by any person claiming any right or benefit under or by reason of any such restrictions, covenants, interests, estate or title in the lands described in the order. <sup>Registration of order</sup>
- (7) Where sewage works of a municipality are established or extended in or into another municipality, the municipality in or into which the sewage works are established or extended may make an agreement with the owner of the sewage works for the connecting with and the use of the sewage works. <sup>Agreements as to use</sup>
- (8) Where a municipality in or into which sewage works are established or extended is unable to make an agreement under subsection 7, the Board, upon an application authorized by by-law of its council, may confer the right to make use of the sewage works upon the applicant municipality and the inhabitants thereof whose properties may be conveniently served by the sewage works, and prescribe the terms and conditions of such use. <sup>Application by municipality</sup>
- (9) Where an agreement is made under subsection 7 or an order is made under subsection 8, the municipality in or into which the sewage works are established or extended may assess, levy and collect as taxes the amounts to be paid under the agreement or order in <sup>Municipality may collect as taxes amounts agreed or ordered to be paid</sup>

the same manner and to the same extent as if the municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.

Application  
of subs. 1,  
2, 4 to  
person

- (10) Subsections 1, 2 and 4 apply *mutatis mutandis* to a person who contemplates extending his sewage works from one municipality into another municipality or into territory without municipal organization.

R.S.O. 1960,  
c. 281  
amended

**6.** *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Establish-  
ment or  
extension  
within a  
municipality  
of sewage  
treatment  
works

- 32a.—(1) Where, in any municipality, the municipality or a person contemplates establishing or extending a sewage treatment works within the municipality, the Commission may, before giving its approval under section 31, hold a public hearing, in which case the Commission shall give at least ten days notice of the hearing to the clerk of the municipality and to such other persons and in such manner as the Commission may direct.

Hearing

- (2) Any public hearing under subsection 1 may be held by any member of the Commission and he shall report thereon to the Commission.

Commission  
may vary  
approval

- (3) The Commission may amend or vary any approval given under section 31 to an establishment or extension under subsection 1 and, before so acting, the Commission may hold a public hearing, in which case it shall give notice thereof in accordance with subsection 1.

R.S.O. 1960,  
c. 281, s. 40,  
subs. 1,  
par. 1,  
cl. a,  
re-enacted

**7.** Clause *a* of paragraph 1 of subsection 1 of section 40 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

- (a) the proportion payable by the municipality or municipalities party or parties to the project, as adjusted by the Commission, of the total amount of interest and expenses of debt service payable by the Commission in each such year in respect of all borrowings of the Commission from time to time outstanding and made by the Commission at any time before or after the making of such agreement for the purpose of meeting,

- (i) the cost or estimated cost of all projects, except projects under agreements referred to in subsection 1a, or



- (ii) the cost or estimated cost of all projects referred to in subsection 1a,

at any time theretofore or thereafter acquired, provided or constructed or in course of acquisition, provision or construction by the Commission pursuant to any agreement or agreements, or for any other purpose of the Commission respecting such projects, including the refunding or repayment in whole or in part of any such borrowings.

8. Subsection 4 of section 41 of *The Ontario Water Resources Commission Act* is amended by striking out "sewer" in the fourth line and inserting in lieu thereof "water works", so that the subsection shall read as follows: R.S.O. 1960,  
c. 281, s. 41,  
subs. 4,  
amended

- (4) Every water works rate or water service rate imposed under this section shall, in so far as is practicable and subject to this section, be imposed in the same manner and with and subject to the same provisions as apply to a water works rate or sewage service rate, respectively, under section 380 of *The Municipal Act*, and that section applies *mutatis mutandis* to the imposition of such rates. R.S.O. 1960,  
c. 249

9. Subsection 4 of section 42 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 281, s. 42,  
subs. 4,  
re-enacted

- (4) A municipality may pay and the Commission may accept, Prepayment
- (a) in advance of the time that it would otherwise be payable, any sum in respect of any sum mentioned in section 40; and

(b) any sum to reduce the cost of a project.

10. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 281,  
amended

#### PUBLIC WATER OR SEWAGE SERVICE AREA

46a.—(1) In this section, Interpre-  
tation

- (a) "sewage service" means the acceptance, collection, transmission, storage, treatment and disposal of sewage, or any one or more of them;

- (b) "water service" means the taking, collection, production, treatment, storage, supply, transmission, distribution, sale, purchase and use of water, or any one or more of them.

Area of  
public water  
or sewage  
service

- (2) Notwithstanding any general or special Act or any regulation or order made thereunder, where, in the opinion of the Commission, it is in the public interest to do so, the Commission may, with the approval of the Minister, make an order defining and designating an area as an area of public water service or an area of public sewage service, and, by order from time to time, for the purpose of controlling, regulating, prohibiting, requiring or providing water service or sewage service in the area, may,

- (a) impose such terms and conditions in the area as the Commission deems necessary;
- (b) require that any contract with respect to water service or sewage service in the area be terminated or amended in accordance with the order; and
- (c) fix and impose rates or charges upon any municipality or person in the area for the provision by the Commission of water service or sewage service to the municipality or person.

Termination  
and amend-  
ment of  
contracts

- (3) Where an order is made by the Commission requiring that any contract be terminated or amended, such contract shall be deemed to be terminated and no longer operative or binding upon or against any municipality or person or shall be deemed to be amended, as the case may be, in accordance with the order.

Hearing

- (4) The Commission shall, before making an order under subsection 2, hold a public hearing and give at least twenty-one days notice of the hearing to the clerk of such municipality or municipalities and to such person or persons and in such manner as the Commission may direct.

Amending  
order

- (5) The Commission may amend the terms and conditions in any order, and, with the approval of the Minister, may amend the definition or designation of an area in any order, but, before amending the definition or designation of an area, the Commission



shall comply with the requirements of subsection 4 with respect to the holding of a hearing and the giving of notice thereof.

- (6) Any public hearing required by this section shall be held by not fewer than two members of the Commission, and they shall report thereon to the Commission. <sup>Hearing before two members</sup>

- (7) A copy of an order of the Commission made under this section shall be sent by the secretary of the Commission by registered mail to the clerk of every municipality and to every person named in the order, and to such other persons as the Commission may direct. <sup>Copies of order</sup>

- (8) Upon the petition of, <sup>Petition re definition of area</sup>

(a) any municipality affected by an order under this section;

(b) any person who is a party to a contract terminated or amended by an order under this section; or

(c) any owner or occupant of land in an area of public water service or an area of public sewage service who is affected by an order under this section in a different manner and to a different extent than all other owners or occupants of land in the area,

filed with the clerk of the Executive Council within twenty-eight days after the mailing of copies of the order under subsection 7, the Lieutenant Governor in Council may confirm, vary or rescind the definition or designation of the area in the order, and such confirmation, variation or rescission is binding upon the Commission and such municipality, person, owner or occupant.

- (9) Where a contract is terminated or amended by an order under this section, the Commission shall make due compensation to any municipality or person named in the contract as a party thereto for any damage necessarily resulting from the termination or amendment of the contract, as the case may be, beyond any advantage that it or he may derive from water service or sewage service provided under the order. <sup>Compensation</sup>

Determina-  
tion of com-  
pensation

R.S.O. 1960,  
c. 274

- (10) Subject to this section, a claim for compensation, if not agreed upon by the Commission and the municipality or person making the claim, shall be determined by the Board and not otherwise, and *The Ontario Municipal Board Act*, except section 94, applies as far as is practicable to every such claim.

Municipality may  
raise money  
for pay-  
ments under  
order

- (11) For the purpose of meeting periodic payments to the Commission under an order made under this section, a municipality may raise money by any method or methods authorized by law or by any combination thereof as if the municipality itself were proposing to construct, were constructing or had constructed water works or sewage works or were operating and maintaining water works or sewage works.

Rates in  
defined  
area

- (12) For the purpose of meeting periodic payments to the Commission under an order made under this section, a municipality may, with the approval of the Board, by by-law define an area that in the opinion of the council of the municipality will derive a benefit from the water service or sewage service provided under the order and may impose a rate or charge upon the owners or occupants of all land in such defined area.

Offence

- (13) Every municipality or person who contravenes any order made under this section is guilty of an offence and on summary conviction is liable to a fine of \$500 for every day upon which such contravention continues.

Petition  
re rates  
and charges

- (14) Upon the petition of any municipality or person required to pay a rate or charge imposed by an order under this section, filed with the clerk of the Executive Council within twenty-eight days after the mailing of copies of the order under subsection 7, the Lieutenant Governor in Council may confirm, vary or rescind such rate or charge or may refer the petition to the Board or to such person or persons as the Lieutenant Governor in Council may designate, and the Board or such person or persons may confirm, vary or rescind such rate or charge, and any order made by the Lieutenant Governor in Council or the Board or such person or persons with respect thereto is binding upon the Commission and the municipality and person required to pay such rate or charge.

11.—(1) Clause *e* of subsection 1 of section 47 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 281, s. 47,  
subs. 1,  
cl. *e*,  
re-enacted

(*e*) regulating and controlling the location, construction, repair, renewal or alteration of plumbing and the material to be used in the construction thereof, and requiring municipalities to carry out such inspections with respect to plumbing as may be prescribed;

(*ea*) adopting by reference, in whole or in part, with such changes as the Commission considers necessary, the standards made or adopted by the Canadian Standards Association respecting pipes, fittings, fixtures and materials used in plumbing, and providing for the testing and marking of such pipes, fittings, fixtures and materials or any class or classes thereof by the Canadian Standards Association and prohibiting the use in plumbing of such pipes, fittings, fixtures and materials that are not marked as approved by the Canadian Standards Association;

(*eb*) defining plumbing for the purposes of the regulations.

(2) Clause *ha* of subsection 1 of the said section 47, as enacted by subsection 1 of section 10 of *The Ontario Water Resources Commission Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 281, s. 47,  
subs. 1,  
cl. *ha*  
(1964,  
c. 86, s. 10,  
subs. 1),  
re-enacted

(*ha*) requiring and regulating the storage, treatment and disposal of sewage in boats and ships or any class or classes thereof and the equipment therefor, and prohibiting the use and installation of equipment for the storage, treatment or disposal of sewage in boats and ships or any class or classes thereof unless the equipment and installation thereof conform to the regulations, and providing for and requiring the approval of the Commission for any such equipment, and prohibiting and regulating the discharge of sewage from such boats and ships or any class or classes thereof.

(3) Subsection 1 of the said section 47 is amended by adding thereto the following clause:

R.S.O. 1960,  
c. 281, s. 47,  
subs. 1,  
amended

(*ia*) requiring and providing for the licensing of persons who operate equipment for the boring or drilling of wells for water and prescribing the qualifications of persons to whom licences may be issued, and prescribing and charging fees for such licences, and providing for the revocation and suspension of licences.



R.S.O. 1960,  
c. 281,  
amended

**12.** *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Plumbing  
provisions  
in by-laws

47d. Notwithstanding any general or special Act, no provision of a by-law of a municipality, heretofore or hereafter passed, with respect to any matter that may be dealt with by regulation under clauses *e*, *ea* and *eb* of subsection 1 of section 47 has any force or effect.

R.S.O. 1960,  
c. 281,  
amended

**13.** *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Discharge  
of sewage  
into sewage  
works

50a.—(1) Where the discharge or deposit of sewage into a sewage works, in the opinion of the Commission, may interfere with the proper operation of a sewage works, the Commission may, by notice served on or sent to the municipality that or the person who discharges or deposits or causes or permits the discharge or deposit of sewage, require the municipality or person to stop or regulate such discharge or deposit or to take such measures in relation thereto in such manner and within such time as the notice may require.

Offence

(2) Every municipality that or person who contravenes a notice under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$200 for every day upon which the contravention continues.

Commence-  
ment

**14.**—(1) This Act, except sections 7 and 9, comes into force on the day it receives Royal Assent.

Idem

(2) Section 9 shall be deemed to have come into force on the 28th day of March, 1956.

Idem

(3) Section 7 shall be deemed to have come into force on the 1st day of January, 1966.

Commence-  
ment

**15.** This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1966*.





An Act to amend the Ontario  
Water Resources Commission Act

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*1st Reading*

June 7th, 1966

*2nd Reading*

June 17th, 1966

*3rd Reading*

June 28th, 1966

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MR. SIMONETT

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# **BILL 160**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Commuter Services Act, 1965**

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**MR. MACNAUGHTON**

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#### EXPLANATORY NOTES

SECTION 1—Subsection 1. This amendment removes the need for an order in council to approve acquisition of any rolling stock, equipment, apparatus or thing or of any land or interest in land.

Subsection 2. This amendment is to provide for the disposal by the Minister of any rolling stock, equipment, apparatus or thing or of any land or interest in land that is no longer required for the purposes of the Act.

BILL 160

1966

## An Act to amend The Commuter Services Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The Commuter Services Act, 1965* is amended by striking out “with the approval of the Lieutenant Governor in Council” in the first and second lines, so that the subsection shall read as follows:

(1) The Minister may,

Acquisition  
of property

(a) acquire by purchase, lease or otherwise any rolling stock, equipment, apparatus or thing; and

(b) acquire by purchase, lease or otherwise or expropriate any land or any interest in land,

that may be required for the establishment and operation, or either of them, of any commuter service that is or is to be provided by agreement under section 3.

(2) The said section 4 is amended by adding thereto the following subsection:

1965,  
c. 17, s. 4,  
amended

(3) The Minister may sell, lease or otherwise dispose of any rolling stock, equipment, apparatus or thing or any land or any interest in land no longer required for the purposes of this Act.

Disposition  
of property

2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

3. This Act may be cited as *The Commuter Services Amendment Act, 1966*.

Short title

An Act to amend  
The Commuter Services Act, 1965

---

*1st Reading*

June 8th, 1966

*2nd Reading*

*3rd Reading*

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MR. MACNAUGHTON

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# **BILL 160**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Commuter Services Act, 1965**

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**MR. MACNAUGHTON**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**



BILL 160

1966

## An Act to amend The Commuter Services Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 4 of *The Commuter Services Act, 1965* is amended by striking out “with the approval of the Lieutenant Governor in Council” in the first and second lines, so that the subsection shall read as follows:

(1) The Minister may,

Acquisition  
of property

(a) acquire by purchase, lease or otherwise any rolling stock, equipment, apparatus or thing; and

(b) acquire by purchase, lease or otherwise or expropriate any land or any interest in land,

that may be required for the establishment and operation, or either of them, of any commuter service that is or is to be provided by agreement under section 3.

(2) The said section 4 is amended by adding thereto the following subsection:

1965,  
c. 17, s. 4,  
amended

(3) The Minister may sell, lease or otherwise dispose of any rolling stock, equipment, apparatus or thing or any land or any interest in land no longer required for the purposes of this Act.

Disposition  
of property

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** This Act may be cited as *The Commuter Services Amendment Act, 1966*.

Short title

An Act to amend  
The Commuter Services Act, 1965

---

*1st Reading*

June 8th, 1966

*2nd Reading*

June 14th, 1966

*3rd Reading*

June 29th, 1966

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MR. MACNAUGHTON

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# **BILL 161**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **The Pawnbrokers Act, 1966**

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**MR. WISHART**

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**TORONTO**

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



#### EXPLANATORY NOTE

The Act was last revised in 1911.

This Bill brings the Act into line with present-day conditions, business practices, and law enforcement requirements.

# BILL 161 1966

## The Pawnbrokers Act, 1966

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act;

Interpre-  
tation

- (a) "municipality" means a city, town, village or township;
- (b) "pawnbroker" means a person who carries on the business of taking by way of pawn or pledge any article for the repayment of money lent thereon;
- (c) "pawner" means a person who delivers an article for pawn to a pawnbroker;
- (d) "pledge" means an article pawned with a pawnbroker;
- (e) "shop" includes any place where the business of a pawnbroker is carried on. R.S.O. 1960, c. 290, s. 1 (1), *amended*.

**2.**—(1) No person shall carry on the business of a pawn-<sup>Licences</sup> broker unless he obtains a licence therefor under the hand of the treasurer of the municipality in which he carries on or proposes to carry on business or unless he obtains a renewal of his licence annually, but no licence shall be issued or renewed unless under the authority of a by-law of the municipality. R.S.O. 1960, c. 290, s. 2 (1), *amended*.

(2) The sum of \$60, or such other sum as the council of<sup>Fee for licence</sup> the municipality may prescribe, shall be paid for every licence or renewal thereof to the treasurer for the use of the municipality. R.S.O. 1960, c. 290, s. 2 (3), *part, amended*.

**3.** Every pawnbroker shall give to the municipality security<sup>Security</sup> to the satisfaction of the treasurer in the sum of \$2,000 for the due observance by him of this Act. R.S.O. 1960, c. 290, s. 2 (3), *part, amended*.

Licence to  
cover only  
one shop

4. No person shall, by virtue of one licence, carry on business as a pawnbroker in more than one shop. R.S.O. 1960, c. 290, s. 3, *amended*.

Licence to  
partners

5. Where two or more persons carry on business as pawnbrokers in partnership in the same shop, only one licence is necessary. R.S.O. 1960, c. 290, s. 4, *amended*.

Business  
sign and  
notice of  
rights,  
rates and  
charges

6. Every pawnbroker shall,

- (a) keep exhibited in large, legible characters on a sign over the front door of his shop his name and the word "Pawnbroker"; and
- (b) keep displayed conspicuously in his shop a notice in large, legible characters so as to be visible to persons pawning articles or redeeming pledges, showing,
  - (i) rights of redemption of pledges,
  - (ii) rates of interest authorized by law to be taken by pawnbrokers for sums lent, and
  - (iii) maximum charges authorized by this Act. R.S.O. 1960, c. 290, s. 6 (1), *amended*.

Restrictions  
upon pawn-  
brokers

7. A pawnbroker shall not,

- (a) purchase any article or receive or take any article in pawn from any person who appears to the pawnbroker to be under the age of eighteen years or to be under the influence of alcohol or drugs;
- (b) purchase or take in pawn a pawnticket issued by himself or any other pawnbroker;
- (c) employ or permit any person under sixteen years of age to take any pledge in pawn;
- (d) carry on business as a pawnbroker on Sunday, Good Friday, Christmas Day or any day appointed by proclamation of the Governor General or the Lieutenant Governor as a public holiday, or on any other day before 8 o'clock in the morning or after 8 o'clock in the evening;
- (e) purchase, sell or otherwise deal with any pledge while in pawn with him, except in accordance with this Act;

- (f) suffer any pledge while in pawn with him to be redeemed with a view to his purchasing it;
- (g) make any contract or agreement with any person pawning or offering to pawn any article, or with the owner thereof, for the purchase, sale or disposition thereof, within the time of redemption;
- (h) take in pawn any cross, medal, insignia or other decoration granted by or with the approval of Her Majesty; or
- (i) melt any gold, silver, platinum or other precious metal that was pawned with him, that was not redeemed, and that has become his absolute property under this Act, unless he has been authorized so to do by the council of the municipality in which he carries on business. R.S.O. 1960, c. 290, ss. 17, 25 (1), *amended*.

8.—(1) Every pawnbroker who takes an article in pawn shall, before any money is lent thereon, enter in a book to be kept by him for that purpose,

Pawn-broker's book

- (a) the day, month and year in which the pledge was taken;
- (b) the full name, address and a description of the person delivering the article for pawn reasonably sufficient to identify such person, including sex, and estimated age, height, complexion and full particulars of identification if produced and, where the person who delivers the article for pawn states that he is the agent of its owner for the purpose of pawning it, the name and address of the owner;
- (c) a description of the pledge reasonably sufficient to identify it; and
- (d) the sum lent on the pledge. R.S.O. 1960, c. 290, c. 7 (1), *amended*.

(2) Where a person tendering an article for pawn refuses or is unable to produce any identification, the pawnbroker shall enter in his book a note thereof, which shall be deemed to constitute compliance with the identification requirements of clause b of subsection 1. *New*.

Where no identification

(3) The entries shall be numbered in the book consecutively in the order in which the articles are pawned. R.S.O. 1960, c. 290, s. 7 (4), *amended*.

Entries to be numbered consecutively



Pawnticket

**9.** At the time of taking an article in pawn, the pawnbroker shall give the pawner a pawnticket containing,

- (a) the pawnbroker's name and business address;
- (b) the name of the pawner;
- (c) the day, month and year in which the pledge was taken in pawn;
- (d) the number of the entry of the pledge in the pawnbroker's book;
- (e) a description of the pledge;
- (f) the sum lent on the pledge;
- (g) the rate of interest charged for the sum lent;
- (h) the charge for the pawnticket; and
- (i) the charge for storage, if any. R.S.O. 1960, c. 290, s. 8, *amended*.

Where article suspected to have been stolen

**10.** Where a pawnbroker has reasonable cause to suspect that an article offered to him has been stolen or otherwise unlawfully obtained, he shall forthwith report the matter to a member of the police force of the municipality in which he carries on business. *New*.

Alphabetical list of pawners

**11.** Every pawnbroker shall keep up to date during each year a list, arranged alphabetically, of the names of the persons who have pawned articles with him, and each such list shall be kept for not less than one year after the end of the year during which it was compiled. *New*.

Daily report to police

**12.—(1)** Every pawnbroker shall before noon of every business day make a report either for the chief constable or for such other person as is designated by by-law of the council of the municipality.

Contents

(2) Such reports shall contain, in respect of every transaction made on the next preceding business day, all the information required under section 8 to be entered in the pawnbroker's book.

Form

(3) Such reports may be on forms to be furnished by the municipality or may be copies of the pawnbroker's book reproduced by any means whatsoever so long as the copy is legible. R.S.O. 1960, c. 290, s. 15 (1), *amended*.



**13.** Each pledge shall be identified by a number that corresponds with the number of the pawnticket and the entry of the transaction in the pawnbroker's book, and, when the pledge is redeemed, the pawnbroker shall record the amount of interest taken and his charges and shall keep the record for not less than one year after redemption. R.S.O. 1960, c. 290, s. 11, *amended*. Identifica-  
tion of  
pledge

**14.** Every police officer and constable shall at all times be given access to and may inspect a pawnbroker's books, papers and pledges, and when so engaged may have with him such other persons as he deems advisable. R.S.O. 1960, c. 290, s. 16, *amended*. Inspection  
by police

**15.** Except as hereinafter provided, a pawnbroker is not bound to deliver a pledge until the pawnticket for it is produced and delivered to him. R.S.O. 1960, c. 290, s. 10, *amended*. Production  
of ticket

**16.** The holder for the time being of a pawnticket shall, as between the pawner and the pawnbroker, be presumed to be the person entitled to redeem the pledge, and, subject to this Act, the pawnbroker shall accordingly, on payment of the sum lent, lawful interest and charges, deliver the pledge to the person producing the pawnticket. R.S.O. 1960, c. 290, s. 18, *amended*. Rights of  
holder of  
ticket

**17.** Notwithstanding section 16, where a pawnbroker and a pawner agree that the pawnticket shall not be transferable and such condition is clearly shown upon the pawnticket, the pawner only may redeem the pledge. *New*. Pawnticket  
may be non-  
transferable

**18.**—(1) Where a pledge is destroyed or damaged by or in consequence of fire, lightning or tempest or any additional peril defined in a standard fire insurance additional perils supplemental contract, the pawnbroker nevertheless is liable, on application within the period during which the pledge would have been redeemable, to pay the value of the pledge after deducting the sum lent, lawful interest and charges, such value to be the sum lent, lawful interest and charges and 25 per cent on the sum lent. R.S.O. 1960, c. 290, s. 19 (1), *amended*. Liability  
of pawn-  
broker in  
case of fire

(2) A pawnbroker has an insurable interest in the pledge to the extent of the value so estimated. R.S.O. 1960, c. 290, s. 19 (2). Insurable  
interest

**19.** Where the sum lent upon a pledge is \$15 or less, it may be redeemed at any time within one year after the day on which it was pawned by tendering to the pawnbroker the Right of  
redemption  
where sum  
lent \$15  
or less

pawnticket, the sum borrowed and the lawful interest and charges, and, if it is not so redeemed, it becomes the pawnbroker's absolute property. R.S.O. 1960, c. 290, s. 23 (1), *amended*.

Idem,  
where sum  
lent is  
more than  
\$15 and  
not more  
than \$30

**20.**—(1) Where the sum lent upon a pledge is more than \$15 but not more than \$30, the pawnbroker may at any time after it has been in pawn for at least one year send to the pawner by first-class prepaid mail to the address shown in his book to be the address of the pawner a notice identifying the transaction and stating that, unless the pledge is redeemed within the fifteen days next after the day of mailing the notice, it becomes the pawnbroker's absolute property.

Idem

(2) Any such pledge may be redeemed at any time within the fifteen days next after the day of mailing the notice by tendering to the pawnbroker the pawnticket, the sum borrowed and the lawful interest and charges, and, if it is not so redeemed, it becomes the pawnbroker's absolute property. R.S.O. 1960, c. 290, s. 23 (2), *amended*.

Idem,  
where sum  
lent is  
more than  
\$30:

notice by  
mail and  
newspaper

**21.**—(1) Where the sum lent upon a pledge is more than \$30, the pawnbroker may at any time after it has been in pawn for at least one year send to the pawner by first-class prepaid mail to the address shown by his book to be the address of the pawner a notice identifying the transaction and stating that, unless the pledge is redeemed within the fifteen days next after the day of mailing the notice, a final notice will be published in a newspaper having general circulation in the municipality in which the pawnbroker carries on business identifying the transaction and stating that, unless the pledge is redeemed within the fifteen days next after the day of publication of the notice, it becomes the pawnbroker's absolute property.

Idem

(2) If the pledge is not redeemed within the fifteen days next after the mailing of the first notice mentioned in subsection 1, the pawnbroker may at any time thereafter give the final notice mentioned in that subsection.

Idem

(3) Any such pledge may be redeemed at any time within the fifteen days next after the mailing of the first notice mentioned in subsection 1 or within the fifteen days next after the day of publication of the final notice mentioned in that subsection, as the case may be, by tendering to the pawnbroker the pawnticket, the sum borrowed and the lawful interest and charges, and, if it is not so redeemed, it becomes the pawnbroker's absolute property. *New*.



**22.**—(1) The one-year period mentioned in sections 19, 20 and 21 commences on the day following the day on which the pledge was put in pawn and ends with the close of business on the 365th day thereafter. Calculation of 1-year period

(2) The fifteen-day period mentioned in sections 20 and 21 commences on the day following the day on which the notice was mailed or the final notice was published, as the case may be, and ends with the close of business on the fifteenth day thereafter. Calculation of 15-day period

(3) When a period mentioned in subsection 1 or 2 ends on a day on which business is not carried on, the next business day is included in the period. *New.* Exception

**23.** As soon as a notice mentioned in section 20 or 21 has been sent or published, the pawnbroker shall make or cause to be made an affidavit as to the sending or publication, as the case may be, of the notice, and such affidavit shall be kept by the pawnbroker for at least two years. *New.* Affidavit as to notices

**24.**—(1) If, during the period that a pledge is redeemable, the pawner tenders to the pawnbroker the pawnticket, the sum lent and the lawful interest and charges and the pawnbroker neglects or refuses without reasonable cause to deliver back the goods so pawned, the pawner may make oath thereof before a justice of the peace, who shall summon such person before him, and shall examine on oath the parties and their witnesses touching the matter. Where pledge not given back upon tender of moneys owing

(2) If tender of the pawnticket with the sum lent and the lawful interest and charges is proved to have been made within such time, then, on payment by the pawner of the total amount owed or, if the pawnbroker refuses to accept such amount on tender before the justice, the justice shall, by order, direct the pledge to be forthwith delivered to the pawner or, if it is not so delivered, shall direct the pawnbroker to make satisfaction for the value thereof to be fixed by the justice in accordance with section 18, and, if the pawnbroker neglects or refuses to deliver up the pledge or to make satisfaction for the value so fixed, the justice shall commit him to imprisonment for a period of not more than three months or until he delivers up the pledge or makes satisfaction for the value so fixed. R.S.O. 1960, c. 290, s. 20, *amended.* Tender and consequences of refusal

**25.** If a person entitled and offering to redeem a pledge shows to the satisfaction of a justice of the peace that the pledge has become or has been rendered of less value than it was at the time of the pawning thereof by or through the default, neglect or wilful misbehaviour of the pawnbroker, Compensation for depreciation of pledge

the justice may award a reasonable satisfaction to the owner of the pledge in respect of the damage, and the amount awarded shall be deducted from the amount payable to the pawnbroker or shall be paid by the pawnbroker, as the case requires, in such manner as the justice directs, and in case of default the pawnbroker is liable to the punishment mentioned in section 24. R.S.O. 1960, c. 290, s. 21, *amended*.

Lost  
pawntickets

**26.**—(1) Any person claiming to be entitled to redeem a pledge but not holding the pawnticket may apply to the pawnbroker for a copy of the pawnticket and a printed form of affidavit, which the pawnbroker shall deliver to him upon payment of the charge therefor.

Idem

(2) If the claimant proves to the satisfaction of a justice of the peace his right to redeem the pledge and on or before the third day after the day on which the form of affidavit is delivered to him by the pawnbroker, exclusive of days on which the pawnbroker is prohibited from carrying on business, delivers back to the pawnbroker the affidavit duly sworn and endorsed with a certificate of the justice that such proof has been made, the claimant has, as between him and the pawnbroker, all the rights and remedies that he would have had if he had produced his pawnticket.

Idem

(3) The pawnbroker is not bound to deliver the pledge to any person until the expiration of such three days.

Idem

(4) The pawnbroker shall be indemnified for delivering the pledge, or otherwise acting in conformity with the affidavit and certificate, unless he has notice that the affidavit is fraudulent or false in a material particular. R.S.O. 1960, c. 290, s. 22 (2-5).

Maximum  
charges

**27.** In addition to his profit on the sum lent, being interest thereon at not more than the lawful rate, a pawnbroker is entitled to make the following charges:

1. For a pawnticket, not more than 20 cents.
2. For storage of a pledge, not more than 10 cents per month per cubic foot or part thereof of storage space taken up by the pledge.
3. For a copy of a pawnticket and printed form of affidavit, not more than 20 cents. R.S.O. 1960, c. 290, ss. 9, 22 (6), *amended*.

Offence

**28.**—(1) Every person or pawnbroker, as the case may be, who without reasonable excuse contravenes or fails to comply with any provision of this Act is guilty of an offence and on

summary conviction is liable to a fine of not more than \$500. R.S.O. 1960, c. 290, ss. 2 (4), 6 (2), 14 (1), 15 (2), 25 (2), *amended*.

(2) An information may be laid for any offence against this Act within twelve months next after the offence was committed. R.S.O. 1960, c. 290, s. 29. Limitation

**29.**—(1) This Act applies to pawn transactions made on or after the 1st day of September, 1966. Application  
of Act

(2) Notwithstanding section 30, *The Pawnbrokers Act* continues to apply to pawn transactions made before the 1st day of September, 1966. Application  
of R.S.O.  
1960, c. 290

**30.** *The Pawnbrokers Act* is repealed.

R.S.O. 1960,  
c. 290,  
repealed

**31.** This Act comes into force on the 1st day of September, 1966. Commence-  
ment

**32.** This Act may be cited as *The Pawnbrokers Act, 1966*. Short title



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*1st Reading*

June 8th, 1906

*2nd Reading*

*3rd Reading*

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MR. WISHART

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# **BILL 161**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **The Pawnbrokers Act, 1966**

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**MR. WISHART**

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**BILL 161** **1966**

**The Pawnbrokers Act, 1966**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act, **Interpre-**  
**tation**

- (a) "municipality" means a city, town, village or township;
- (b) "pawnbroker" means a person who carries on the business of taking by way of pawn or pledge any article for the repayment of money lent thereon;
- (c) "pawner" means a person who delivers an article for pawn to a pawnbroker;
- (d) "pledge" means an article pawned with a pawnbroker;
- (e) "shop" includes any place where the business of a pawnbroker is carried on. R.S.O. 1960, c. 290, s. 1 (1), *amended*.

**2.**—(1) No person shall carry on the business of a pawn- **Licences**  
broker unless he obtains a licence therefor under the hand of the treasurer of the municipality in which he carries on or proposes to carry on business or unless he obtains a renewal of his licence annually, but no licence shall be issued or renewed unless under the authority of a by-law of the municipality. R.S.O. 1960, c. 290, s. 2 (1), *amended*.

(2) The sum of \$60, or such other sum as the council of **Fee for**  
**licence**  
the municipality may prescribe, shall be paid for every licence or renewal thereof to the treasurer for the use of the municipality. R.S.O. 1960, c. 290, s. 2 (3), *part, amended*.

**3.** No person shall, by virtue of one licence, carry on **Licence to**  
**cover only**  
**one shop**  
business as a pawnbroker in more than one shop. R.S.O. 1960, c. 290, s. 3, *amended*.

## Licence to partners

**4.** Where two or more persons carry on business as pawnbrokers in partnership in the same shop, only one licence is necessary. R.S.O. 1960, c. 290, s. 4, *amended*.

## Security

**5.** Every pawnbroker shall give to the municipality security to the satisfaction of the treasurer in the sum of \$2,000 for the due observance by him of this Act. R.S.O. 1960, c. 290, s. 2 (3), *part, amended*.

## Business sign and notice of rights, rates and charges

**6.** Every pawnbroker shall,

- (a) keep exhibited in large, legible characters on a sign over the front door of his shop his name and the word "Pawnbroker"; and
- (b) keep displayed conspicuously in his shop a notice in large, legible characters so as to be visible to persons pawning articles or redeeming pledges, showing,
  - (i) rights of redemption of pledges,
  - (ii) rates of interest authorized by law to be taken by pawnbrokers for sums lent, and
  - (iii) maximum charges authorized by this Act. R.S.O. 1960, c. 290, s. 6 (1), *amended*.

## Restrictions upon pawnbrokers

**7.** A pawnbroker shall not,

- (a) purchase any article or receive or take any article in pawn from any person who appears to the pawnbroker to be under the age of eighteen years or to be under the influence of alcohol or drugs;
- (b) purchase or take in pawn a pawnticket issued by himself or any other pawnbroker;
- (c) employ or permit any person under sixteen years of age to take any pledge in pawn;
- (d) carry on business as a pawnbroker on Sunday, Good Friday, Christmas Day or any day appointed by proclamation of the Governor General or the Lieutenant Governor as a public holiday, or on any other day before 8 o'clock in the morning or after 8 o'clock in the evening;
- (e) purchase, sell or otherwise deal with any pledge while in pawn with him, except in accordance with this Act;



- (f) suffer any pledge while in pawn with him to be redeemed with a view to his purchasing it;
- (g) make any contract or agreement with any person pawning or offering to pawn any article, or with the owner thereof, for the purchase, sale or disposition thereof, within the time of redemption;
- (h) take in pawn any cross, medal, insignia or other decoration granted by or with the approval of Her Majesty; or
- (i) melt any gold, silver, platinum or other precious metal that was pawned with him, that was not redeemed, and that has become his absolute property under this Act, unless he has been authorized so to do by the council of the municipality in which he carries on business. R.S.O. 1960, c. 290, ss. 17, 25 (1), *amended*.

8.—(1) Every pawnbroker who takes an article in pawn shall, before any money is lent thereon, enter in a book to be kept by him for that purpose, <sup>Pawn-broker's book</sup>

- (a) the day, month and year in which the pledge was taken;
- (b) the full name, address and a description of the person delivering the article for pawn reasonably sufficient to identify such person, including sex, and estimated age, height, complexion and full particulars of identification if produced and, where the person who delivers the article for pawn states that he is the agent of its owner for the purpose of pawning it, the name and address of the owner;
- (c) a description of the pledge reasonably sufficient to identify it; and
- (d) the sum lent on the pledge. R.S.O. 1960, c. 290, c. 7 (1), *amended*.

(2) Where a person tendering an article for pawn refuses or is unable to produce any identification, the pawnbroker shall enter in his book a note thereof, which shall be deemed to constitute compliance with the identification requirements of clause b of subsection 1. <sup>Where no identification</sup> *New.*

(3) The entries shall be numbered in the book consecutively in the order in which the articles are pawned. R.S.O. 1960, c. 290, s. 7 (4), *amended*. <sup>Entries to be numbered consecutively</sup>

Pawnticket

**9.** At the time of taking an article in pawn, the pawnbroker shall give the pawner a pawnticket containing,

- (a) the pawnbroker's name and business address;
- (b) the name of the pawner;
- (c) the day, month and year in which the pledge was taken in pawn;
- (d) the number of the entry of the pledge in the pawnbroker's book;
- (e) a description of the pledge;
- (f) the sum lent on the pledge;
- (g) the rate of interest charged for the sum lent;
- (h) the charge for the pawnticket; and
- (i) the charge for storage, if any. R.S.O. 1960, c. 290, s. 8, *amended*.

Where article suspected to have been stolen

**10.** Where a pawnbroker has reasonable cause to suspect that an article offered to him has been stolen or otherwise unlawfully obtained, he shall forthwith report the matter to a member of the police force of the municipality in which he carries on business. *New*.

Alphabetical list of pawners

**11.** Every pawnbroker shall keep up to date during each year a list, arranged alphabetically, of the names of the persons who have pawned articles with him, and each such list shall be kept for not less than one year after the end of the year during which it was compiled. *New*.

Daily report to police

**12.—(1)** Every pawnbroker shall before noon of every business day make a report either for the chief constable or for such other person as is designated by by-law of the council of the municipality.

Contents

(2) Such reports shall contain, in respect of every transaction made on the next preceding business day, all the information required under section 8 to be entered in the pawnbroker's book.

Form

(3) Such reports may be on forms to be furnished by the municipality or may be copies of the pawnbroker's book reproduced by any means whatsoever so long as the copy is legible. R.S.O. 1960, c. 290, s. 15 (1), *amended*.

**13.** Each pledge shall be identified by a number that <sup>Identification of</sup> corresponds with the number of the pawnticket and the entry <sup>pledge</sup> of the transaction in the pawnbroker's book, and, when the pledge is redeemed, the pawnbroker shall record the amount of interest taken and his charges and shall keep the record for not less than one year after redemption. R.S.O. 1960, c. 290, s. 11, *amended*.

**14.** Every police officer and constable shall at all times be <sup>Inspection by police</sup> given access to and may inspect a pawnbroker's books, papers and pledges, and when so engaged may have with him such other persons as he deems advisable. R.S.O. 1960, c. 290, s. 16, *amended*.

**15.** Except as hereinafter provided, a pawnbroker is not <sup>Production of ticket</sup> bound to deliver a pledge until the pawnticket for it is produced and delivered to him. R.S.O. 1960, c. 290, s. 10, *amended*.

**16.** The holder for the time being of a pawnticket shall, as <sup>Rights of holder of ticket</sup> between the pawner and the pawnbroker, be presumed to be the person entitled to redeem the pledge, and, subject to this Act, the pawnbroker shall accordingly, on payment of the sum lent, lawful interest and charges, deliver the pledge to the person producing the pawnticket. R.S.O. 1960, c. 290, s. 18, *amended*.

**17.** Notwithstanding section 16, where a pawnbroker and <sup>Pawnticket may be non-transferable</sup> a pawner agree that the pawnticket shall not be transferable and such condition is clearly shown upon the pawnticket, the pawner only may redeem the pledge. *New*.

**18.**—(1) Where a pledge is destroyed or damaged by or in <sup>Liability of pawnbroker in case of fire</sup> consequence of fire, lightning or tempest or any additional peril defined in a standard fire insurance additional perils supplemental contract, the pawnbroker nevertheless is liable, on application within the period during which the pledge would have been redeemable, to pay the value of the pledge after deducting the sum lent, lawful interest and charges, such value to be the sum lent, lawful interest and charges and 25 per cent on the sum lent. R.S.O. 1960, c. 290, s. 19 (1), *amended*.

(2) A pawnbroker has an insurable <sup>Insurable interest</sup> interest in the pledge to the extent of the value so estimated. R.S.O. 1960, c. 290, s. 19 (2).

**19.** Where the sum lent upon a pledge is \$15 or less, it <sup>Right of redemption where sum lent \$15 or less</sup> may be redeemed at any time within one year after the day on which it was pawned by tendering to the pawnbroker the



pawnticket, the sum borrowed and the lawful interest and charges, and, if it is not so redeemed, it becomes the pawnbroker's absolute property. R.S.O. 1960, c. 290, s. 23 (1), *amended*.

Idem,  
where sum  
lent is  
more than  
\$15 and  
not more  
than \$30

**20.**—(1) Where the sum lent upon a pledge is more than \$15 but not more than \$30, the pawnbroker may at any time after it has been in pawn for at least one year send to the pawner by first-class prepaid mail to the address shown in his book to be the address of the pawner a notice identifying the transaction and stating that, unless the pledge is redeemed within the fifteen days next after the day of mailing the notice, it becomes the pawnbroker's absolute property.

Idem

(2) Any such pledge may be redeemed at any time within the fifteen days next after the day of mailing the notice by tendering to the pawnbroker the pawnticket, the sum borrowed and the lawful interest and charges, and, if it is not so redeemed, it becomes the pawnbroker's absolute property. R.S.O. 1960, c. 290, s. 23 (2), *amended*.

Idem,  
where sum  
lent is  
more than  
\$30:

notice by  
mail and  
newspaper

**21.**—(1) Where the sum lent upon a pledge is more than \$30, the pawnbroker may at any time after it has been in pawn for at least one year send to the pawner by first-class prepaid mail to the address shown by his book to be the address of the pawner a notice identifying the transaction and stating that, unless the pledge is redeemed within the fifteen days next after the day of mailing the notice, a final notice will be published in a newspaper having general circulation in the municipality in which the pawnbroker carries on business identifying the transaction and stating that, unless the pledge is redeemed within the fifteen days next after the day of publication of the notice, it becomes the pawnbroker's absolute property.

Idem

(2) If the pledge is not redeemed within the fifteen days next after the mailing of the first notice mentioned in subsection 1, the pawnbroker may at any time thereafter give the final notice mentioned in that subsection.

Idem

(3) Any such pledge may be redeemed at any time within the fifteen days next after the mailing of the first notice mentioned in subsection 1 or within the fifteen days next after the day of publication of the final notice mentioned in that subsection, as the case may be, by tendering to the pawnbroker the pawnticket, the sum borrowed and the lawful interest and charges, and, if it is not so redeemed, it becomes the pawnbroker's absolute property. *New*.

**22.**—(1) The one-year period mentioned in sections 19, 20 and 21 commences on the day following the day on which the pledge was put in pawn and ends with the close of business on the 365th day thereafter. Calculation of 1-year period

(2) The fifteen-day period mentioned in sections 20 and 21 commences on the day following the day on which the notice was mailed or the final notice was published, as the case may be, and ends with the close of business on the fifteenth day thereafter. Calculation of 15-day period

(3) When a period mentioned in subsection 1 or 2 ends on a day on which business is not carried on, the next business day is included in the period. *New.* Exception

**23.** As soon as a notice mentioned in section 20 or 21 has been sent or published, the pawnbroker shall make or cause to be made an affidavit as to the sending or publication, as the case may be, of the notice, and such affidavit shall be kept by the pawnbroker for at least two years. *New.* Affidavit as to notices

**24.**—(1) If, during the period that a pledge is redeemable, the pawner tenders to the pawnbroker the pawnticket, the sum lent and the lawful interest and charges and the pawnbroker neglects or refuses without reasonable cause to deliver back the goods so pawned, the pawner may make oath thereof before a justice of the peace, who shall summon such person before him, and shall examine on oath the parties and their witnesses touching the matter. Where pledge not given back upon tender of moneys owing

(2) If tender of the pawnticket with the sum lent and the lawful interest and charges is proved to have been made within such time, then, on payment by the pawner of the total amount owed or, if the pawnbroker refuses to accept such amount on tender before the justice, the justice shall, by order, direct the pledge to be forthwith delivered to the pawner or, if it is not so delivered, shall direct the pawnbroker to make satisfaction for the value thereof to be fixed by the justice in accordance with section 18, and, if the pawnbroker neglects or refuses to deliver up the pledge or to make satisfaction for the value so fixed, the justice shall commit him to imprisonment for a period of not more than three months or until he delivers up the pledge or makes satisfaction for the value so fixed. R.S.O. 1960, c. 290, s. 20, *amended.* Tender and consequences of refusal

**25.** If a person entitled and offering to redeem a pledge shows to the satisfaction of a justice of the peace that the pledge has become or has been rendered of less value than it was at the time of the pawning thereof by or through the default, neglect or wilful misbehaviour of the pawnbroker, Compensation for depreciation of pledge



the justice may award a reasonable satisfaction to the owner of the pledge in respect of the damage, and the amount awarded shall be deducted from the amount payable to the pawnbroker or shall be paid by the pawnbroker, as the case requires, in such manner as the justice directs, and in case of default the pawnbroker is liable to the punishment mentioned in section 24. R.S.O. 1960, c. 290, s. 21, *amended*.

Lost  
pawntickets

**26.**—(1) Any person claiming to be entitled to redeem a pledge but not holding the pawnticket may apply to the pawnbroker for a copy of the pawnticket and a printed form of affidavit, which the pawnbroker shall deliver to him upon payment of the charge therefor.

Idem

(2) If the claimant proves to the satisfaction of a justice of the peace his right to redeem the pledge and on or before the third day after the day on which the form of affidavit is delivered to him by the pawnbroker, exclusive of days on which the pawnbroker is prohibited from carrying on business, delivers back to the pawnbroker the affidavit duly sworn and endorsed with a certificate of the justice that such proof has been made, the claimant has, as between him and the pawnbroker, all the rights and remedies that he would have had if he had produced his pawnticket.

Idem

(3) The pawnbroker is not bound to deliver the pledge to any person until the expiration of such three days.

Idem

(4) The pawnbroker shall be indemnified for delivering the pledge, or otherwise acting in conformity with the affidavit and certificate, unless he has notice that the affidavit is fraudulent or false in a material particular. R.S.O. 1960, c. 290, s. 22 (2-5).

Maximum  
charges

**27.** In addition to his profit on the sum lent, being interest thereon at not more than the lawful rate, a pawnbroker is entitled to make the following charges:

1. For a pawnticket, not more than 20 cents.
2. For storage of a pledge, not more than 10 cents per month per cubic foot or part thereof of storage space taken up by the pledge.
3. For a copy of a pawnticket and printed form of affidavit, not more than 20 cents. R.S.O. 1960, c. 290, ss. 9, 22 (6), *amended*.

Offence

**28.**—(1) Every person or pawnbroker, as the case may be, who without reasonable excuse contravenes or fails to comply with any provision of this Act is guilty of an offence and on

summary conviction is liable to a fine of not more than \$500. R.S.O. 1960, c. 290, ss. 2 (4), 6 (2), 14 (1), 15 (2), 25 (2), *amended*.

(2) An information may be laid for any offence against this Act within twelve months next after the offence was committed. R.S.O. 1960, c. 290, s. 29. Limitation

**29.**—(1) This Act applies to pawn transactions made on or after the 1st day of September, 1966. Application  
of Act

(2) Notwithstanding section 30, *The Pawnbrokers Act* continues to apply to pawn transactions made before the 1st day of September, 1966. Application  
of R.S.O.  
1960, c. 290

**30.** *The Pawnbrokers Act* is repealed.

R.S.O. 1960,  
c. 290,  
repealed

**31.** This Act comes into force on the 1st day of September, 1966. Commence-  
ment

**32.** This Act may be cited as *The Pawnbrokers Act, 1966*. Short title

The Pawnbrokers Act, 1966

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*1st Reading*

June 8th, 1966

*2nd Reading*

June 17th, 1966

*3rd Reading*

June 28th, 1966

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MR. WISHART

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# **BILL 162**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Insurance Act**

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**MR. WISHART**

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**TORONTO**

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#### EXPLANATORY NOTES

SECTION 1—Subsection 1. The definition of automobile is widened to include trolley-bus, and automobile insurance is widened to include loss of use of an automobile.

Subsection 2. Complementary to *The Department of Financial and Commercial Affairs Act, 1966*.



BILL 162

1966

## An Act to amend The Insurance Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Paragraphs 6 and 7 of section 1 of *The Insurance Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 190, s. 1,  
pars. 6, 7,  
re-enacted

6. "automobile" includes a trolley bus and a self-propelled vehicle, and the trailers, accessories and equipment of automobiles, but does not include railway rolling stock that runs on rails, watercraft or aircraft;

7. "automobile insurance" means insurance,

(a) against liability arising out of,

(i) bodily injury to or the death of a person, or

(ii) loss of or damage to property,

caused by an automobile or the use or operation thereof; or

(b) against loss of or damage to an automobile and the loss of use thereof,

and includes insurance otherwise coming within the class of accident insurance where the accident is caused by an automobile or the use or operation thereof, whether liability exists or not, if the contract also includes insurance described in clause a.

(2) Paragraph 40 of the said section 1, as re-enacted by subsection 2 of section 1 of *The Insurance Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 190, s. 1,  
par. 40  
(1964,  
c. 47, s. 1,  
subs. 2),  
re-enacted

40. "Minister" means the Minister of Financial and Commercial Affairs.

R.S.O. 1960,  
c. 190, s. 1,  
amended

(3) The said section 1 is amended by adding thereto the following paragraphs:

40a. "motor vehicle liability policy" means a policy or part of a policy evidencing a contract insuring,

(a) the owner or driver of an automobile; or

(b) a person who is not the owner or driver thereof where the automobile is being used or operated by his employee or agent or any other person on his behalf,

against liability arising out of bodily injury to or the death of a person or loss or damage to property caused by an automobile or the use or operation thereof;

43a. "non-owner's policy" means a motor vehicle liability policy insuring a person solely in respect of the use or operation by him or on his behalf of an automobile that is not owned by him;

44a. "owner's policy" means a motor vehicle liability policy insuring a person in respect of the ownership, use or operation of an automobile owned by him and within the description or definition thereof in the policy and, if the contract so provides, in respect of the use or operation of any other automobile.

R.S.O. 1960,  
c. 190, s. 25  
(1962-63,  
c. 64, s. 1),  
re-enacted

2. Section 25 of *The Insurance Act*, as re-enacted by section 1 of *The Insurance Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Conditions  
of auto-  
mobile  
insurance  
licence

25.—(1) A licence to carry on automobile insurance in Ontario is subject to the following conditions:

1. In any action in Ontario against the licensed insurer or its insured arising out of an automobile accident in Ontario, the insurer shall appear and shall not set up any defence to a claim under a contract made outside Ontario, including any defence as to the limit

**Subsection 3. Complementary to section 11.**

**SECTIONS 2 and 3. Complementary to section 11.**

SECTION 4. The capital requirements for joint stock insurance companies are increased.

SECTION 5. The amendment permits a reserve for unearned premiums to exceed the existing 80 per cent for greater flexibility.



or limits of liability under the contract, that might not be set up if the contract were evidenced by a motor vehicle liability policy issued in Ontario.

2. In any action in another province or territory of Canada against the licensed insurer, or its insured, arising out of an automobile accident in that province or territory, the insurer shall appear and shall not set up any defence to a claim under a contract evidenced by a motor vehicle liability policy issued in Ontario, including any defence as to the limit or limits of liability under the contract, that might not be set up if the contract were evidenced by a motor vehicle liability policy issued in the other province or territory.

- (2) A licence may be cancelled when the holder commits a breach of condition as set out in subsection 1. Penalty for breach

**3.** Section 28 of *The Insurance Act* is repealed.

R.S.O. 1960,  
c. 190, s. 28,  
repealed

**4.** Subsection 1 of section 29 of *The Insurance Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 190, s. 29,  
subs. 1,  
re-enacted

- (1) A licence shall not be granted to a joint stock insurance company not licensed on the 15th day of June, 1966, unless the company furnishes to the Superintendent satisfactory evidence that of the capital stock not less than \$500,000 has been *bona fide* subscribed for, allotted and paid in and, in addition, Restriction on granting licences

(a) where the company is undertaking life insurance, the company has an unimpaired surplus of not less than \$500,000; or

(b) where the company is not undertaking life insurance, an unimpaired surplus of not less than \$100,000.

**5.** Subsection 5 of section 76 of *The Insurance Act*, as amended by subsection 1 of section 2 of *The Insurance Amendment Act, 1962-63*, is further amended by inserting after "insurer" in the third line "not less than " and by inserting after "or" in the fifth line "not less than", so that the subsection shall read as follows: R.S.O. 1960,  
c. 190, s. 76,  
subs. 5,  
amended

- (5) Subject to subsection 5a, in the case of all classes of insurance, other than life insurance, and in the case of all insurers, the statement shall show as a liability Unearned premiums a liability



of the insurer not less than 80 per cent of the actual portions of unearned premiums on all business in force on the 31st day of December then last past or not less than 80 per cent of 50 per cent of the premiums written in its policies and received in respect of contracts having one year or less to run and *pro rata* on those for longer periods.

R.S.O. 1960,  
c. 190, s. 87,  
subs. 1,  
amended

**6.** Subsection 1 of section 87 of *The Insurance Act* is amended by striking out "\$20" in the second line and inserting in lieu thereof "\$50" and by striking out "\$200" in the third line and inserting in lieu thereof "\$500", so that the subsection shall read as follows:

General  
penalty

- (1) Unless otherwise provided, every person guilty of an offence under this Act shall incur a fine of not less than \$50 and not more than \$500 for every such offence.

R.S.O. 1960,  
c. 190, s. 94,  
subs. 2,  
amended

**7.** Subsection 2 of section 94 of *The Insurance Act* is amended by striking out "automobile and" in the first and second lines, so that the subsection shall read as follows:

Application  
of section

- (2) This section does not apply to contracts of guarantee insurance.

R.S.O. 1960,  
c. 190,  
amended

**8.** *The Insurance Act* is amended by adding thereto the following sections:

Application

- 94a.—(1) This section applies to a contract containing a condition, statutory or otherwise, providing for an appraisal to determine specified matters in the event of a disagreement between the insured and the insurer.

Appraisals

- (2) The insured and the insurer shall each appoint an appraiser, and the two appraisers so appointed shall appoint an umpire.

Appraisers

- (3) The appraisers shall determine the matters in disagreement and, if they fail to agree, they shall submit their differences to the umpire, and the finding in writing of any two determines the matters.

Costs

- (4) Each party to the appraisal shall pay the appraiser appointed by him and shall bear equally the expense of the appraisal and the umpire.

Appoint-  
ment by  
judge

- (5) Where,

- (a) a party fails to appoint an appraiser within seven clear days after being served with written notice to do so;

**SECTION 6.** The general penalties for breach of the Act are increased.

**SECTION 7.** Complementary to section 11. The corresponding provision for contracts of automobile insurance is deleted from Part VI.

**SECTION 8.** The provisions in the statutory conditions for appraisal procedures are deleted and provided for directly in the Act.

SECTIONS 9 and 10. Complementary to section 8.

- (b) the appraisers fail to agree upon an umpire within fifteen days after their appointment; or
- (c) an appraiser or umpire refuses to act or is incapable of acting or dies,

a judge of the county or district court of the county or district in which the appraisal is to be made may appoint an appraiser or umpire, as the case may be, upon the application of the insured or of the insurer.

94b. Where there has been imperfect compliance with a statutory condition as to the proof of loss to be given by the insured or other matter or thing required to be done or omitted by the insured with respect to the loss and a consequent forfeiture or avoidance of the insurance in whole or in part and the court considers it inequitable that the insurance should be forfeited or avoided on that ground, the court may relieve against the forfeiture or avoidance on such terms as it considers just. Relief from forfeiture

94c. Insurance money is payable in Ontario in lawful money of Canada. How policy payable

94d.—(1) No term or condition of a contract shall be deemed to be waived by the insurer in whole or in part unless the waiver is stated in writing and signed by a person authorized for that purpose by the insurer. Waiver of term or condition

(2) Neither the insurer nor the insured shall be deemed to have waived any term or condition of a contract by any act relating to the appraisal of the amount of loss or to the delivery and completion of proofs or to the investigation or adjustment of any claim under the contract. Idem

9. Statutory condition 11 in section 111 of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 190, s. 111, stat. cond. 11, re-enacted

#### Appraisal

11. In the event of disagreement as to the value of the property insured, the property saved or the amount of the loss, those questions shall be determined by appraisal as provided under *The Insurance Act* before there can be any recovery under this contract whether the right to recover on the contract is disputed or not, and independent of all other questions. There shall be no right to an appraisal until a specific demand therefor is made in writing and until after proof of loss has been delivered.

10. Sections 112, 115 and 117 of *The Insurance Act* are repealed. R.S.O. 1960, c. 190, ss. 112, 115, 117, repealed



R.S.O. 1960,  
c. 190,  
Part VI  
(ss. 198-226),  
re-enacted

**11.** Subject to section 12, Part VI of *The Insurance Act*, as amended by sections 5 and 6 of *The Insurance Amendment Act, 1961-62* and section 9 of *The Insurance Amendment Act, 1964*, is repealed and the following substituted therefor:

## PART VI

### AUTOMOBILE INSURANCE

Interpre-  
tation

198. In this Part,

- (a) "contract" means a contract of automobile insurance;
- (b) "insured" means a person insured by a contract whether named or not.

Application  
of Part

199.—(1) This Part applies to contracts providing automobile insurance made or renewed in Ontario on or after the 1st day of January, 1968.

Exception

(2) This Part does not apply to contracts insuring only against,

- (a) loss of or damage to an automobile while in or on described premises;
- (b) loss of or damage to property carried in or upon an automobile; or
- (c) liability for loss of or damage to property carried in or upon an automobile.

Idem

(3) This Part does not apply to a contract providing insurance in respect of an automobile not required to be registered under *The Highway Traffic Act* unless it is insured under a contract evidenced by a form of policy approved under this Part.

R.S.O. 1960,  
c. 72

Idem

(4) This Part does not apply to a contract insuring solely the interest of a person who has a lien upon, or has as security legal title to, an automobile and who does not have possession of the automobile.

### APPROVAL OF FORMS

Approval of  
forms by  
Superin-  
tendent

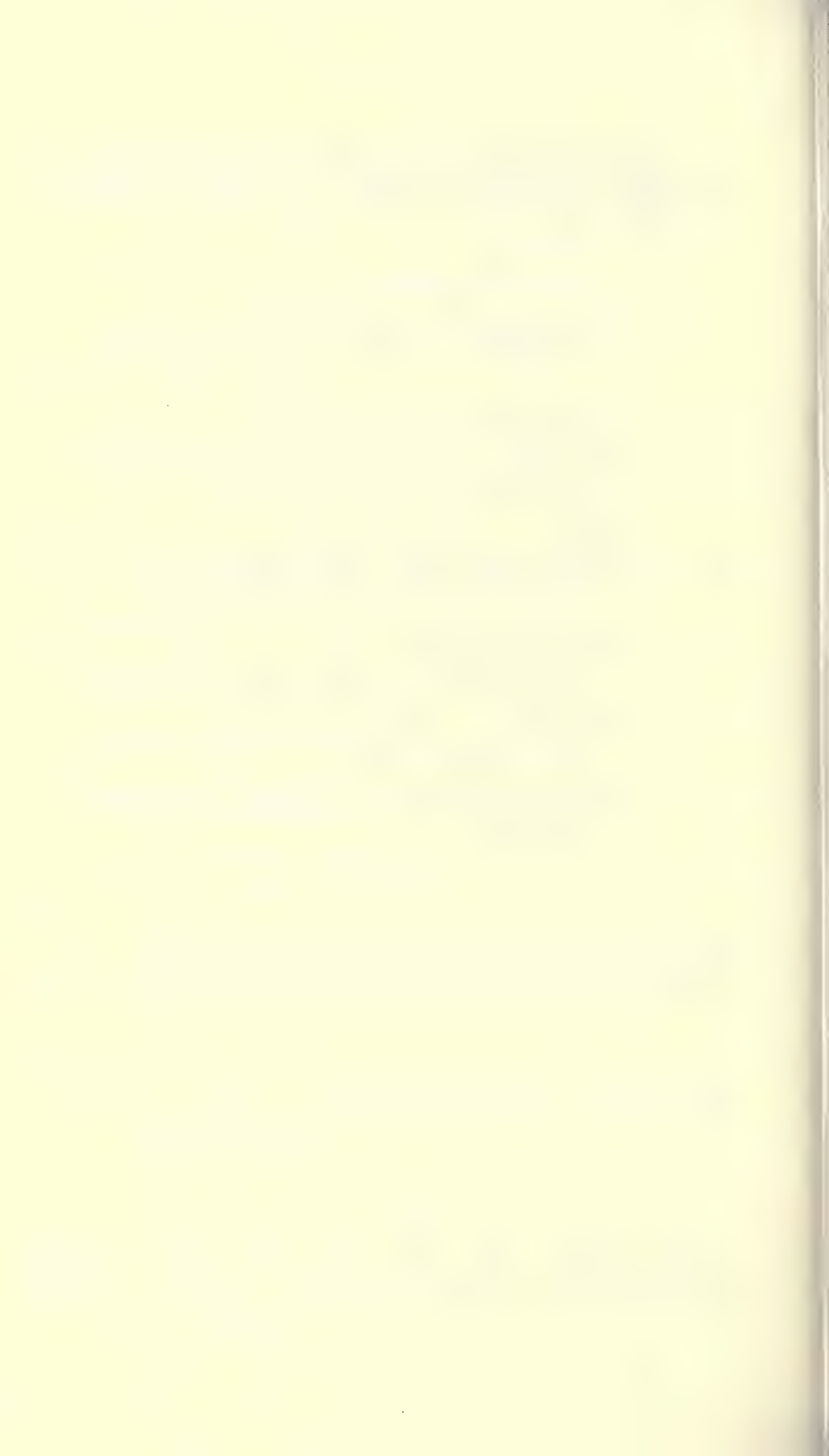
200.—(1) No insurer shall use a form of application, policy, endorsement or renewal or continuation certificate in respect of automobile insurance other than a form approved by the Superintendent.



SECTIONS 11 and 12. Part VI of *The Insurance Act* applying to automobile insurance is revised to adopt the uniform provision recommended by the inter-provincial conference of the Association of Superintendents of Insurance.

The changes include:

1. Bringing medical payments cover in section 220 of the present Act within the scope of automobile insurance.
2. The extension of automobile insurance to include uninsured motorist cover and a form of basic accident compensation irrespective of fault.
3. Provision for the case where the application is not made in writing and signed by the applicant.
4. The transfer of certain statutory conditions to the substantive portion of the law. These relate to appraisal and to statutory conditions 3 and 4.
5. Widening the scope of a driver's policy to that of a non-owner's policy.
6. Providing for the restriction of policy limits to a named person subject to the maintenance of minimum limits.
7. Statutory authority for writing excess insurance to an underlying primary automobile policy.
8. Statutory authority for a side agreement between the insured and insurer whereby the insured agrees to reimburse the insurer in an agreed amount in respect of third party claims.
9. Provision for more speedy settlement of third party claims after judgment against the insured.
10. A more logical rearrangement of the statutory provisions dealing with automobile insurance and improvement of the wording of these provisions.



(2) An insurer may require additional information in an approved application form, but such additional information does not constitute part of the application for the purposes of section 203. Insurer requiring additional information

(3) Where, in the opinion of the Superintendent, any provision of this Part, including any statutory condition, is wholly or partly inappropriate to the requirements of a contract or is inapplicable by reason of the requirements of any Act, he may approve a form of policy, or part thereof, or endorsement evidencing a contract sufficient or appropriate to insure the risks required or proposed to be insured, and the contract evidenced by the policy or endorsement in the form so approved is effective and binding according to its terms notwithstanding that those terms are inconsistent with, vary, omit or add to any provision or condition of this Part. Approval of policies in special cases

(4) Except as to matters mentioned in section 212, the Superintendent may, if he considers it to be in the public interest, approve a form of motor vehicle liability policy or endorsement thereto that extends the insurance beyond that prescribed in this Part. Approval of extensions

(5) The Superintendent, in granting an approval under subsection 4, may require the insurer to charge an additional premium for the extension and to state that fact in the policy or in any endorsement. Condition of approval of extension

(6) The Superintendent may revoke an approval given under this section, and, upon notification of the revocation in writing, no insurer shall thereafter use or deliver a form that contravenes the notification. Revocation of approval

(7) The Superintendent shall, on request of any interested insurer, specify in writing his reasons for granting, refusing or revoking an approval of a form. Reason for decision

(8) An insurer that issues or delivers an owner's policy in Ontario, or any renewal thereof, or any evidence of the continuation of the policy, shall issue to the insured a card evidencing the insurance, and the card shall be in a form approved by the Superintendent. Insurance card

#### APPLICATION AND POLICY

201. No person carrying on the business of financing the sale or purchase of automobiles and no automobile dealer, insurance agent or broker and no officer or employee of such a person, dealer, agent or broker shall act as the agent of an applicant for the purpose of signing an application for automobile insurance. Persons forbidden to act as agent

Copy of  
application  
in policy

202.—(1) A copy of the written application, signed by the insured or his agent, or, if no signed application is made, a copy of the purported application, or a copy of such part of the application or purported application as is material to the contract, shall be embodied in, endorsed upon or attached to the policy when issued by the insurer.

Policy  
issued where  
no signed  
application

(2) If no signed written application is received by the insurer prior to the issue of the policy, the insurer shall deliver or mail to the insured named in the policy, or to the agent for delivery or mailing to the insured, a form of application to be completed and signed by the insured and returned to the insurer.

Insured  
entitled to  
copy

(3) The insurer shall deliver or mail to the insured named in the policy, or to the agent for delivery or mailing to the insured, the policy or a true copy thereof and every endorsement or other amendment to the contract.

Form of  
policy

(4) Where a written application signed by the insured or his agent is made for a contract, the policy evidencing the contract shall be deemed to be in accordance with the application unless the insurer points out in writing to the insured named in the policy in what respect the policy differs from the application, and, in that event, the insured shall be deemed to have accepted the policy unless within one week from the receipt of the notification he informs the insurer in writing that he rejects the policy.

Endorse-  
ment on  
forms

(5) Upon every application form and policy, there shall be printed or stamped in conspicuous type a copy of subsection 1 of section 203.

Misrepre-  
sentation or  
violation of  
conditions  
renders  
claim  
invalid

203.—(1) Where,

(a) an applicant for a contract,

(i) gives false particulars of the described automobile to be insured to the prejudice of the insurer, or

(ii) knowingly misrepresents or fails to disclose in the application any fact required to be stated therein;

(b) the insured contravenes a term of the contract or commits a fraud; or

(c) the insured wilfully makes a false statement in respect of a claim under the contract,

a claim by the insured is invalid and the right of the insured to recover indemnity is forfeited.



(2) No statement of the applicant shall be used in defence of a claim under the contract unless it is contained in the signed written application therefor or, where no signed written application is made, in the purported application, or part thereof, that is embodied in, endorsed upon or attached to the policy. <sup>Use of application as defence</sup>

(3) No statement contained in a purported copy of the application, or part thereof, other than a statement describing the risk and the extent of the insurance, shall be used in defence of a claim under the contract unless the insurer proves that the applicant made the statement attributed to him in the purported application, or part thereof. <sup>Idem</sup>

204.—(1) Subject to subsection 3 of section 200, section 205 and section 225, <sup>Statutory conditions</sup>

- (a) the conditions set forth in this section are statutory conditions and shall be deemed to be part of every contract and shall be printed in every policy with the heading "Statutory Conditions"; and
- (b) no variation or omission of or addition to a statutory condition is binding on the insured.

(2) In this section, "policy" does not include an interim receipt or binder. <sup>Interpretation</sup>

### STATUTORY CONDITIONS

In these statutory conditions, unless the context otherwise requires, the word "insured" means a person insured by this contract whether named or not.

**Material Change in Risk** 1.—(1) The insured named in this contract shall promptly notify the insurer or its local agent in writing of any change in the risk material to the contract and within his knowledge.

(2) Without restricting the generality of the foregoing, the words "change in the risk material to the contract" include:

- (a) any change in the insurable interest of the insured named in this contract in the automobile by sale, assignment or otherwise, except through change of title by succession, death or proceedings under the *Bankruptcy Act* (Canada);

and in respect of insurance against loss of or damage to the automobile,

- (b) any mortgage, lien or encumbrance affecting the automobile after the application for this contract;
- (c) any other insurance of the same interest, whether valid or not, covering loss or damage insured by this contract or any portion thereof.

**Prohibited Use by Insured** 2.—(1) The insured shall not drive or operate the automobile,



(a) while under the influence of intoxicating liquor or drugs to such an extent as to be for the time being incapable of the proper control of the automobile; or

(b) unless he is for the time being either authorized by law or qualified to drive or operate the automobile; or

(c) while he is under the age of sixteen years or under such other age as is prescribed by the law of the province in which he resides at the time this contract is made as being the minimum age at which a licence or permit to drive an automobile may be issued to him; or

(d) for any illicit or prohibited trade or transportation; or

(e) in any race or speed test.

**Prohibited Use  
by Others**

(2) The insured shall not permit, suffer, allow or connive at the use of the automobile,

(a) by any person under the influence of intoxicating liquor or drugs to such an extent as to be for the time being incapable of the proper control of the automobile; or

(b) by any person,

(i) unless that person is for the time being either authorized by law or qualified to drive or operate the automobile; or

(ii) while that person is under the age of sixteen years or under such other age as is prescribed by the law of the province in which he resides at the time this contract is made as being the minimum age at which a licence or permit to drive an automobile may be issued to him; or

(c) for any illicit or prohibited trade or transportation; or

(d) in any race or speed test.

**Requirements  
Where Loss  
or Damage to  
Persons or  
Property**

3.—(1) The insured shall,

(a) promptly give to the insurer written notice, with all available particulars, of any accident involving loss or damage to persons or property and of any claim made on account of the accident;

(b) verify by statutory declaration, if required by the insurer, that the claim arose out of the use or operation of the automobile and that the person operating or responsible for the operation of the automobile at the time of the accident is a person insured under this contract; and

(c) forward immediately to the insurer every letter, document, advice or writ received by him from or on behalf of the claimant.

(2) The insured shall not,

(a) voluntarily assume any liability or settle any claim except at his own cost; or

(b) interfere in any negotiations for settlement or in any legal proceeding.

(3) The insured shall, whenever requested by the insurer, aid in securing information and evidence and the attendance of any witness and shall co-operate with the insurer, except in a pecuniary way, in the defence of any action or proceeding or in the prosecution of any appeal.

**Requirements  
Where Loss  
or Damage to  
Automobile**

4.—(1) Where loss of or damage to the automobile occurs, the insured shall, if the loss or damage is covered by this contract,

- (a) promptly give notice thereof in writing to the insurer with the fullest information obtainable at the time;
- (b) at the expense of the insurer, and as far as reasonably possible, protect the automobile from further loss or damage; and
- (c) deliver to the insurer within ninety days after the date of the loss or damage a statutory declaration stating, to the best of his knowledge and belief, the place, time, cause and amount of the loss or damage, the interest of the insured and of all others therein, the encumbrances thereon, all other insurance, whether valid or not, covering the automobile and that the loss or damage did not occur through any wilful act or neglect, procurement, means or connivance of the insured.

(2) Any further loss or damage accruing to the automobile directly or indirectly from a failure to protect it as required under subcondition 1 of this condition is not recoverable under this contract.

(3) No repairs, other than those that are immediately necessary for the protection of the automobile from further loss or damage, shall be undertaken and no physical evidence of the loss or damage shall be removed,

- (a) without the written consent of the insurer; or
- (b) until the insurer has had a reasonable time to make the examination for which provision is made in statutory condition 5.

**Examination  
of Insured**

(4) The insured shall submit to examination under oath, and shall produce for examination at such reasonable place and time as is designated by the insurer or its representative all documents in his possession or control that relate to the matters in question, and he shall permit extracts and copies thereof to be made.

**Insurer Liable  
for Cash Value  
of Automobile**

(5) The insurer shall not be liable for more than the actual cash value of the automobile at the time any loss or damage occurs, and the loss or damage shall be ascertained or estimated according to that actual cash value with proper deduction for depreciation, however caused, and shall not exceed the amount that it would cost to repair or replace the automobile, or any part thereof, with material of like kind and quality, but, if any part of the automobile is obsolete and out of stock, the liability of the insurer in respect thereof shall be limited to the value of that part at the time of loss or damage, not exceeding the maker's latest list price.

**Repair or  
Replacement**

(6) Except where an appraisal has been made, the insurer, instead of making payment, may, within a reasonable time, repair, rebuild or replace the property damaged or lost with other of like kind and quality if, within seven days after the receipt of the proof of loss, it gives written notice of its intention to do so.

**No Abandonment;  
Salvage**

(7) There shall be no abandonment of the automobile to the insurer without the insurer's consent. If the insurer exercises the option to replace the automobile or pays the actual cash value of the automobile, the salvage, if any, shall vest in the insurer.

**In Case of  
Disagreement**

(8) In the event of disagreement as to the nature and extent of the repairs and replacements required, or as to their adequacy, if effected, or as to the amount payable in respect of any loss or damage, those questions shall be determined by appraisal as provided under *The Insurance Act* before there can be recovery under this contract, whether the right to recover on the

contract is disputed or not, and independent of all other questions. There shall be no right to an appraisal until a specific demand therefor is made in writing and until after proof of loss has been delivered.

**Inspection of Automobile**

5. The insured shall permit the insurer at all reasonable times to inspect the automobile and its equipment.

**Time and Manner of Payment of Insurance Money**

6.—(1) The insurer shall pay the insurance money for which it is liable under this contract within sixty days after the proof of loss has been received by it or, where an appraisal is made under subcondition 8 of statutory condition 4, within fifteen days after the award is rendered by the appraisers.

**When Action May be Brought**

(2) The insured shall not bring an action to recover the amount of a claim under this contract unless the requirements of statutory conditions 3 and 4 are complied with or until the amount of the loss has been ascertained as therein provided or by a judgment against the insured after trial of the issue or by agreement between the parties with the written consent of the insurer.

**Limitation of Actions**

(3) Every action or proceeding against the insurer under this contract in respect of loss or damage to the automobile shall be commenced within one year next after the happening of the loss and not afterwards, and in respect of loss or damage to persons or property shall be commenced within one year next after the cause of action arose and not afterwards.

**Who May Give Notice and Proofs of Claim**

7. Notice of claim may be given and proofs of claim may be made by the agent of the insured named in this contract in case of absence or inability of the insured to give the notice or make the proof, such absence or inability being satisfactorily accounted for or, in the like case or if the insured refuses to do so, by a person to whom any part of the insurance money is payable.

**Termination**

8.—(1) This contract may be terminated,

(a) by the insurer giving to the insured fifteen days' notice of termination by registered mail or five days' written notice of termination personally delivered;

(b) by the insured at any time on request.

(2) Where this contract is terminated by the insurer,

(a) the insurer shall refund the excess of premium actually paid by the insured over the *pro rata* premium for the expired time, but in no event shall the *pro rata* premium for the expired time be deemed to be less than any minimum retained premium specified; and

(b) the refund shall accompany the notice unless the premium is subject to adjustment or determination as to the amount, in which case the refund shall be made as soon as practicable.

(3) Where this contract is terminated by the insured, the insurer shall refund as soon as practicable the excess of premium actually paid by the insured over the short rate premium for the expired time, but in no event shall the short rate premium for the expired time be deemed to be less than any minimum retained premium specified.

(4) The refund may be made by money, postal or express company money order or cheque payable at par.

(5) The fifteen days mentioned in clause *a* of subcondition 1 of this condition commences to run on the day following the receipt of the registered letter at the post office to which it is addressed.



**Notice**

9. Any written notice to the insurer may be delivered at, or sent by registered mail to, the chief agency or head office of the insurer in Ontario. Written notice may be given to the insured named in this contract by letter personally delivered to him or by registered mail addressed to him at his latest post office address as notified to the insurer. In this condition, the expression "registered" means registered in or outside Canada.

205.—(1) Except as otherwise provided in the contract, the statutory conditions set forth in section 204 do not apply to insurance coming within section 225, 226a or 226c. Exceptions respecting statutory conditions

(2) Where a contract does not insure against liability for loss or damage to persons and property, statutory condition 3 in section 204 is not a part of the policy and may be omitted from the printing of the conditions in the policy. Idem

(3) Where a contract does not insure against loss of or damage to the automobile, statutory condition 4 in section 204 is not a part of the policy and may be omitted from the printing of the conditions in the policy. Idem

**MOTOR VEHICLE LIABILITY POLICIES**

206.—(1) Every contract evidenced by an owner's policy insures the person named therein and every other person who with his consent personally drives an automobile owned by the insured named in the contract and within the description or definition thereof in the contract against liability imposed by law upon the insured named in the contract or that other person for loss or damage, Coverage of owner's policy, specific automobile

(a) arising from the ownership, use or operation of any such automobile; and

(b) resulting from bodily injury to or the death of any person, and damage to property.

(2) Where the contract evidenced by an owner's policy also provides insurance against liability in respect of an automobile not owned by the insured named in the contract, an insurer may stipulate in the contract that the insurance is restricted to such persons as are specified in the contract. Idem, other automobiles

(3) Where the insured named in an owner's policy dies, the following persons shall be deemed to be the insured under the policy: Death of person named in owner's policy

1. The spouse of the deceased insured if residing in the same dwelling premises at the time of his death.

2. In respect of the described automobile, a newly-acquired automobile that was acquired by the deceased insured prior to his death and a temporary substitute automobile, all as defined by the policy,

i. any person having proper temporary custody thereof until grant of probate or administration to the personal representative of the deceased insured,

ii. the personal representative of the deceased insured.

Coverage of  
non-owner's  
policy

207. Every contract evidenced by a non-owner's policy insures the person named therein and such other person, if any, as is specified in the policy against liability imposed by law upon the insured named in the contract or that other person for loss or damage,

(a) arising from the use or operation of an automobile within the definition thereof in the policy, other than an automobile owned by him or registered in his name; and

(b) resulting from bodily injury to or the death of any person, and damage to property.

Persons  
deemed not  
owners

208. For the purposes of this Part, a person shall not be deemed to be the owner of an automobile for the reason only that he has a lien on the automobile or has legal title to the automobile as security.

Territorial  
limits

209. Insurance under sections 206 and 207 applies to the ownership, use or operation of the insured automobile within Canada and the United States of America and upon a vessel plying between ports of those countries.

Rights of  
unnamed  
insured

210. Any person insured by but not named in a contract to which section 206 or 207 applies may recover indemnity in the same manner and to the same extent as if named therein as the insured, and for that purpose shall be deemed to be a party to the contract and to have given consideration therefor.

Additional  
agreements

211. Every contract evidenced by a motor vehicle liability policy shall provide that, where a person insured by the contract is involved in an accident resulting from the ownership, use or operation of an automobile in respect of which insurance is provided under the contract and resulting in loss or damage to persons or property, the insurer shall,



- (a) upon receipt of notice of loss or damage caused to persons or property, make such investigations, conduct such negotiations with the claimant and effect such settlement of any resulting claims as are deemed expedient by the insurer;
- (b) defend in the name and on behalf of the insured and at the cost of the insurer any civil action that is at any time brought against the insured on account of loss or damage to persons or property;
- (c) pay all costs taxed against the insured in any civil action defended by the insurer and any interest accruing after entry of judgment upon that part of the judgment that is within the limits of the insurer's liability; and
- (d) where the injury is to a person, reimburse the insured for outlay for such medical aid as is immediately necessary at the time.

212. The insurer is not liable under a contract evidenced by a motor vehicle liability policy for any liability, <sup>Exceptions from liability</sup>

- (a) imposed by any workmen's compensation law upon any person insured by the contract;
- (b) resulting from bodily injury to or the death of,
  - (i) the daughter, son, wife or husband of any person insured by the contract while being carried in or upon or entering or getting on to or alighting from the automobile, or
  - (ii) any person insured by the contract; or
- (c) resulting from bodily injury to or the death of any employee of any person insured by the contract while engaged in the operation or repair of the automobile.

213. The insurer may provide under a contract evidenced by a motor vehicle liability policy, in either or both of the following cases, that it shall not be liable, <sup>Idem</sup>

- (a) to indemnify any person engaged in the business of selling, repairing, maintaining, servicing, storing or parking automobiles for any loss or damage sustained while engaged in the use or operation of or while working upon the automobile in the course of that business unless the person is the owner of the automobile or is his employee; or

- (b) for loss of or damage to property carried in or upon the automobile or to any property owned or rented by or in the care, custody or control of the insured.

Idem

214. Subject to the limitations and exclusions of the endorsement, the insurer may provide by endorsement to a contract evidenced by a motor vehicle liability policy, in either or both of the following cases, that it shall not be liable for loss or damage,

- (a) resulting from bodily injury to or the death of any person being carried in or upon or entering or getting on to or alighting from the automobile; or
- (b) resulting from the ownership, use or operation of any machinery or apparatus, including its equipment, mounted on or attached to the automobile while such automobile is at the site of the use or operation of that machinery or apparatus.

Idem

215.—(1) The insurer may provide under a contract evidenced by a motor vehicle liability policy, in one or more of the following cases, that it shall not be liable while,

- (a) the automobile is rented or leased to another person;
- (b) the automobile is used to carry explosives or to carry radioactive material for research, education, development or industrial purposes or for purposes incidental thereto;
- (c) the automobile is used as a taxi-cab, public omnibus, livery, jitney or sightseeing conveyance or for carrying passengers for compensation or hire;
- (d) where the insured vehicle is an automobile, other than a trailer, it is used for towing a trailer owned by the insured unless like indemnity is also provided by the insurer in respect of the trailer; or
- (e) where the insured vehicle is a trailer, it is towed by an automobile owned by the insured unless like indemnity is also provided by the insurer in respect of the automobile.

Interpre-  
tation

(2) In clause *b* of subsection 1, "radioactive material" means,

- (a) spent nuclear fuel rods that have been exposed to radiation in a nuclear reactor;
- (b) radioactive waste material;

- (c) unused enriched nuclear fuel rods; or
- (d) any other radioactive material of such quantity and quality as to be harmful to persons or property if its container is destroyed or damaged.

(3) Clause *a* of subsection 1 does not include the use by an employee of his automobile on the business of his employer and for which he is paid. Exception

(4) Clause *c* of subsection 1 does not include, Certain rules excepted

- (a) the use by a person of his automobile for the carriage of another person in return for the former's carriage in the automobile of the latter;
- (b) the occasional and infrequent use by a person of his automobile for the carriage of another person who shares the cost of the trip;
- (c) the use by a person of his automobile for the carriage of a temporary or permanent domestic servant of the insured or his spouse; or
- (d) the use by a person of his automobile for the carriage of a client or customer or a prospective client or customer.

216.—(1) Every contract evidenced by a motor vehicle liability policy insures, in respect of any one accident, to the limit of at least \$35,000, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and loss of or damage to property. Minimum liability under policy

(2) The contract shall be interpreted to mean that where, by reason of any one accident, liability results from bodily injury or death and from loss of or damage to property, Priorities

- (a) claims against the insured arising out of bodily injury or death have priority to the extent of \$30,000 over claims arising out of loss of or damage to property; and
- (b) claims against the insured arising out of loss of or damage to property have priority to the extent of \$5,000 over claims arising out of bodily injury or death.

(3) The insurer may, instead of specifying a limit in the policy for an inclusive amount, specify a limit of liability of at least \$35,000, exclusive of interest and costs, against liability Minimum limits where separate limits designated



resulting from bodily injury to or the death of one or more persons and a limit of liability of at least \$35,000, exclusive of interest and costs, against liability for loss of or damage to property.

Variation  
of limits

(4) Nothing in this Part precludes an insurer, with respect to a limit or limits in excess of those specified in subsection 1 or 3, from increasing or reducing the limit or limits specified in the contract with respect to the use or operation of the automobile by a named person, but no reduction is effective for a limit less than that required under subsection 1 or 3.

Stipulation  
in motor  
vehicle  
liability  
policy

217.—(1) Every motor vehicle liability policy issued in Ontario shall provide that, in the case of liability arising out of the ownership, use or operation of the automobile in any province or territory of Canada,

- (a) the insurer shall be liable up to the minimum limits prescribed for that province or territory if those limits are higher than the limits prescribed by the policy;
- (b) the insurer shall not set up any defence to a claim that might not be set up if the policy were a motor vehicle liability policy issued in that province or territory; and
- (c) the insured, by acceptance of the policy, constitutes and appoints the insurer his irrevocable attorney to appear and defend in any province or territory of Canada in which an action is brought against the insured arising out of the ownership, use or operation of the automobile.

Power of  
attorney  
binding

(2) A provision in a motor vehicle liability policy in accordance with clause c of subsection 1 is binding on the insured.

Excess  
insurance

218.—(1) Nothing in this Part precludes an insurer from providing insurance under a contract evidenced by a motor vehicle liability policy restricted to a limit in excess of that provided by another designated contract evidenced by a motor vehicle liability policy, whether the designated contract is a first loss insurance or an excess insurance.

Termination  
of excess  
insurance

(2) Where the contract designated in the excess contract terminates or is terminated, the excess contract is also automatically terminated.

Agreement  
for partial  
payment of  
claim by  
insured

219. Nothing in this Part precludes an insurer from entering into an agreement with its insured under a contract evidenced by a motor vehicle liability policy providing that

the insured will reimburse the insurer in an agreed amount in respect of any claim by or judgment in favour of a third party against the insured, and the agreement may be enforced against the insured according to its tenor.

220.—(1) In this section, “nuclear energy hazard” means the radioactive, toxic, explosive or other hazardous properties of prescribed substances under the *Atomic Energy Control Act* (Canada). Interpretation  
R.S.C. 1952,  
c. 11

(2) Where an insured is covered, whether named therein or not, under a contract evidenced by a motor vehicle liability policy for loss or damage resulting from bodily injury to or the death of any person or damage to property arising directly or indirectly out of a nuclear energy hazard and is also covered, whether named therein or not, against such loss or damage under a contract evidenced by a policy of nuclear energy hazard liability insurance issued by a group of insurers and in force at the time of the event giving rise to the loss or damage, Liability when nuclear energy contract also in force

- (a) the motor vehicle liability insurance is excess to the nuclear energy hazard liability insurance, and the insurer under the contract of motor vehicle liability insurance is not liable to pay beyond the minimum limits prescribed by section 216; and
- (b) the unnamed insured under the contract of nuclear energy liability insurance may, in respect of such loss or damage, recover indemnity under that contract in the same manner and to the same extent as if named therein as the insured, and for that purpose he shall be deemed to be a party to the contract and to have given consideration therefor.

(3) For the purpose of this section, a contract of nuclear energy hazard liability insurance shall be deemed to be in force at the time of the event giving rise to the loss or damage, notwithstanding that the limits of liability thereunder have been exhausted. When contract deemed in force

221.—(1) Where a person is insured under more than one contract evidenced by a motor vehicle liability policy, whether the insurance is first loss insurance or excess, and a question arises under clause *b* of section 211 between an insurer and the insured or between the insurers as to which insurer shall undertake the obligation to defend in the name and on behalf of the insured, whether or not any insurer denies liability under its contract, the insured or any insurer may apply to the Defence where more than one contract



Supreme Court, and the court shall give such directions as may appear proper with respect to the performance of the obligation.

Hearing

(2) On an application under subsection 1, the only parties entitled to notice thereof and to be heard thereon are the insured and his insurers, and no material or evidence used or taken upon such an application is admissible upon the trial of an action brought against the insured for loss or damage to persons or property arising out of the use or operation of the automobile in respect of which the insurance is provided.

Order

(3) An order under subsection 1 does not affect the rights and obligations of the insurers in respect of payment of any indemnity under their respective policies.

Contribution

(4) Where indemnity is provided to the insured under two or more contracts and one or more of them are excess insurance, the insurers shall, as between themselves, contribute to the payment of expenses, costs and reimbursement for which provision is made in section 211 in accordance with their respective liabilities for damages awarded against the insured.

Application  
of insurance  
money under  
motor  
vehicle  
liability  
policy

222.—(1) Any person who has a claim against an insured for which indemnity is provided by a contract evidenced by a motor vehicle liability policy, notwithstanding that such person is not a party to the contract, may, upon recovering a judgment therefor in any province or territory of Canada against the insured, have the insurance money payable under the contract applied in or towards satisfaction of his judgment and of any other judgments or claims against the insured covered by the contract and may, on behalf of himself and all persons having such judgments or claims, maintain an action against the insurer to have the insurance money so applied.

Limitation

(2) No action shall be brought against an insurer under subsection 1 after the expiration of one year from the final determination of the action against the insured, including appeals if any.

Other  
creditors  
excluded

(3) A creditor of the insured is not entitled to share in the insurance money payable under any contract unless his claim is one for which indemnity is provided for by that contract.

Insurer  
absolutely  
liable

(4) The right of a person who is entitled under subsection 1 to have insurance money applied upon his judgment or claim is not prejudiced by,

(a) an assignment, waiver, surrender, cancellation or discharge of the contract, or of any interest therein or of

the proceeds thereof, made by the insurer after the happening of the event giving rise to a claim under the contract;

- (b) any act or default of the insured before or after that event in contravention of this Part or of the terms of the contract; or
- (c) any contravention of the *Criminal Code* (Canada) or <sup>1953-54, c. 51 (Can.)</sup> a statute of any province or territory of Canada or of any state or the District of Columbia of the United States of America by the owner or driver of the automobile,

and nothing mentioned in clause *a*, *b* or *c* is available to the insurer as a defence in an action brought under subsection 1.

(5) It is not a defence to an action under this section that an instrument issued as a motor vehicle liability policy by a person engaged in the business of an insurer and alleged by a party to the action to be such a policy is not a motor vehicle liability policy, and this section applies *mutatis mutandis* to the instrument. Section applicable to purported policy

(6) The insurer may require any other insurers liable to indemnify the insured in whole or in part in respect of judgments or claims to which reference is made in subsection 1 to be made parties to the action and contribute according to their respective liabilities, whether the contribution is rateably or by way of first loss or excess insurance, as the case may be, and the insured shall on demand furnish the insurer with particulars of all other insurance covering the subject-matter of the contract. Contribution among insurers

(7) Where any person has recovered a judgment against the insured and is entitled to bring action under subsection 1, and the insurer admits liability to pay the insurance money under the contract and the insurer considers that, Payment into court

- (a) there are or may be other claimants; or
- (b) there is no person capable of giving and authorized to give a valid discharge for payment who is willing to do so,

the insurer may apply to the court *ex parte* for an order for payment of the money into court, and the court may, upon such notice, if any, as it thinks necessary, make an order accordingly.

Effect of  
order

(8) The receipt of the proper officer of the court is sufficient discharge to the insurer for the insurance money paid into court under subsection 7, and the insurance money shall be dealt with as the court may order upon application of any person interested therein.

Defence to  
passenger  
claim and  
re excess  
limits  
relating to  
section 215  
coverage

(9) Notwithstanding anything contained therein to the contrary, every contract evidenced by a motor vehicle liability policy shall, for the purposes of this section, be deemed to provide all the types of coverage mentioned in section 215, but the insurer is not liable to a claimant,

- (a) where the claim results from bodily injury to or the death of any person being carried in or upon or entering or getting on to or alighting from the automobile; or
- (b) with respect to such coverage in excess of the limits mentioned in section 216.

Defence  
where  
coverage  
under  
ss. 213, 214

(10) Where one or more contracts provide for coverage of a type mentioned in section 213 or 214, except as provided in subsection 12, the insurer may,

- (a) with respect to that type of coverage; and
- (b) as against a claimant,

avail itself of any defence that it is entitled to set up against the insured, notwithstanding subsection 4.

Defence  
where excess  
limits

(11) Where one or more contracts provide for coverage in excess of the limits mentioned in section 216, except as provided in subsection 12, the insurer may,

- (a) with respect to the coverage in excess of those limits; and
- (b) as against a claimant,

avail itself of any defence that it is entitled to set up against the insured, notwithstanding subsection 4.

Defence  
where  
vehicle  
used in  
business of  
carrying  
passengers

(12) Where a contract provides coverage of the type mentioned in clause *a* of section 214 in respect of an automobile operated in the business of carrying passengers for compensation or hire and insured for that purpose, the insurer may,

- (a) with respect to that type of coverage; and



(b) as against a claimant,

only avail itself of a defence that it is entitled to set up against the insured in respect of that part of the coverage, if any, that exceeds,

(c) the limits mentioned in section 216; or

(d) the minimum limits required for that type of coverage by or under any other Act,

whichever is the greater.

(13) The insured shall reimburse the insurer upon demand in the amount that the insurer has paid by reason of this section and that it would not otherwise be liable to pay. Insured's liability to reimburse insurer

(14) Where an insurer denies liability under a contract evidenced by a motor vehicle liability policy, it shall, upon application to the court, be made a third party in any action to which the insured is a party and in which a claim is made against the insured by any party to the action in which it is or might be asserted that indemnity is provided by the contract, whether or not the insured enters an appearance or defence in the action. Insurer may be made third party

(15) Upon being made a third party, the insurer may, Rights of insurer

(a) contest the liability of the insured to any party claiming against the insured;

(b) contest the amount of any claim made against the insured;

(c) deliver any pleadings in respect of the claim of any party claiming against the insured;

(d) have production and discovery from any party adverse in interest; and

(e) examine and cross-examine witnesses at the trial,

to the same extent as if it were a defendant in the action.

(16) An insurer may avail itself of subsection 15 notwithstanding that another insurer is defending in the name and on behalf of the insured an action to which its insured is a party. Idem

223.—(1) Every insured against whom an action is commenced for damages occasioned by an automobile shall give notice thereof in writing to the insurer within five days after service of every notice or process in the action. Insured to give notice of action

Insured to  
disclose  
insurance

(2) Every insured against whom an action is commenced for damages occasioned by an automobile shall, upon recovery of a judgment against the insured, disclose to a judgment creditor entitled to the benefit of any motor vehicle liability policy particulars of such contract within ten days after written demand therefor.

#### PHYSICAL DAMAGE COVER

Stipulations  
in physical  
damage  
cover

224. Subject to subsection 1 of section 200, the insurer may provide in a contract such exclusions and limitations, in respect of loss of or damage to or the loss of use of the automobile, as it considers necessary.

Partial pay-  
ment of loss  
clause

225.—(1) A contract or part of a contract providing insurance against loss of or damage to an automobile and the loss of use thereof may contain a clause to the effect that, in the event of loss, the insurer shall pay only,

(a) an agreed portion of any loss that may be sustained;  
or

(b) the amount of the loss after deduction of a sum specified in the policy,

and in either case not exceeding the amount of the insurance.

Stamping  
required

(2) Where a clause is inserted in accordance with subsection 1, there shall be printed or stamped upon the face of the policy in conspicuous type the words: "This policy contains a partial payment of loss clause."

Claims to  
be adjusted  
with  
insured

226.—(1) Where a claim is made under any contract other than a contract evidenced by a motor vehicle liability policy, the insurer shall, notwithstanding any agreement, adjust the amount of the claim with the insured named in the contract as well as with any person having an interest indicated in the contract.

Exception

(2) Where notice is given or proof of loss is made by a person other than the insured, because the insured cannot be located or neglects or refuses or is unable to give notice and make claim under statutory conditions 4 and 7 in section 204, the insurer may, notwithstanding subsection 1 but in any event not earlier than sixty days from delivery of the proof required under clause c of subcondition 1 of said statutory condition 4, adjust and pay the claim to the other person having an interest indicated in the contract.



## LIMITED ACCIDENT INSURANCES

226a.—(1) Where an insurer provides in a contract insurance against loss resulting from bodily injury to or the death of a person insured arising out of an accident involving an automobile where, Uninsured  
motorist  
cover

- (a) there is legal liability of another person for the injury or death; and
- (b) the other person has no insurance against his liability therefor or that person cannot be identified,

that insurance applies only in respect of,

- (c) any person who sustains bodily injury or death while driving, being carried in or upon or entering or getting on to or alighting from the described automobile in respect of which insurance of the class mentioned in clause *a* of paragraph 7 of section 1 is provided under the contract; and
- (d) the insured named in the contract and his or her spouse and any dependent relative residing in the same dwelling premises as the insured named in the contract who sustains bodily injury or death while driving, being carried in or upon or entering or getting on to or alighting from or as a result of being struck by any other automobile that is defined in the contract for the purposes of that insurance.

(2) The insurance mentioned in subsection 1 does not apply in respect of a person specified therein who has a right of recovery under *The Motor Vehicle Accident Claims Act* or similar legislation of any other province or territory of Canada or of any state or the District of Columbia of the United States of America. Limited  
application  
1961-62,  
c. 84

226b.—(1) Where in a contract an insurer provides insurance against expenses for medical, surgical, dental, ambulance, hospital, professional nursing or funeral services, the insurance applies only in respect of reasonable expenses, Medical  
expense  
coverage

- (a) of or incurred for any person who sustains bodily injury or death while driving or being carried in or upon or entering or getting on to or alighting from or, if not the occupant of another automobile, as a result of being struck by an automobile owned by the insured named in the contract in respect of which

insurance of the class mentioned in clause *a* of paragraph 7 of section 1 is provided under the contract; and

- (b) of the insured named in the contract and his or her spouse and any dependent relative residing in the same dwelling premises as the insured named in the contract who sustains bodily injury or death while driving or being carried in or upon or entering or getting on to or alighting from or as a result of being struck by any other automobile that is defined in the contract for the purposes of that insurance.

Release by  
claimant

(2) Where an insurer makes a payment under a contract of insurance referred to in subsection 1, the payment constitutes, to the extent of such payment, a release by the insured person or his personal representatives of any claim that the insured person or his personal representatives or any person claiming through or under him or by virtue of *The Fatal Accidents Act* may have against the insurer and by any other person who may be liable to the insured person or his personal representatives if that other person is insured under a contract referred to in subsection 1, but nothing in this subsection precludes an insurer from demanding, as a condition precedent to payment, a release to the extent of the payment from the person insured or his personal representatives or any other person.

R.S.O. 1960,  
c. 138

First loss  
and excess  
insurance

(3) The insurance mentioned in clause *a* of subsection 1 is a first loss insurance, and any other automobile insurance of the same type available to the injured person or in respect of a deceased person is excess insurance only.

Excess  
insurance

(4) The insurance mentioned in clause *a* of subsection 1 is excess insurance to any other insurance not being automobile insurance of the same type indemnifying the injured person or in respect of a deceased person for the expenses.

Idem

(5) The insurance mentioned in clause *b* of subsection 1 is excess insurance to any other insurance indemnifying the injured person or in respect of a deceased person for the expenses.

Accident  
benefits

226c.—(1) Where in a contract an insurer provides accident insurance benefits in respect of the death of or injury to an insured person arising out of an accident involving an automobile, the insurance applies only in respect of,

- (a) any person who sustains bodily injury or death while driving or being carried in or upon or entering or getting on to or alighting from or, if not the occupant

of another automobile, as a result of being struck by an automobile owned by the insured named in the contract in respect of which insurance of the class mentioned in clause *a* of paragraph 7 of section 1 is provided under the contract; and

- (b) the insured named in the contract and his or her spouse and any dependent relative residing in the same dwelling premises as the named insured who sustains bodily injury or death while driving or being carried in or upon or entering or getting on to or alighting from or as a result of being struck by any other automobile that is defined in the policy for the purposes of the insurance.

(2) Where an insurer makes a payment under a contract of insurance to which subsection 1 refers, the payment constitutes, to the extent of such payment, a release by the insured person or his personal representatives of any claim that the insured person or his personal representatives or any person claiming through or under him or by virtue of *The Fatal Accidents Act* may have against the insurer and by any other person who may be liable to the insured person or his personal representatives if that other person is insured under a contract of the same type as is specified in subsection 1, but nothing in this subsection precludes an insurer from demanding, as a condition precedent to payment, a release to the extent of the payment from the person insured or his personal representatives or any other person. Release by claimant  
R.S.O. 1960,  
c. 138

(3) Subject to subsection 5, the insurance mentioned in clause *a* of subsection 1 is a first loss insurance, and any other automobile insurance of the same type available to the injured person or in respect of a deceased person is excess insurance only. First loss  
and excess  
insurance

(4) Subject to subsection 5, the insurance mentioned in clause *b* of subsection 1 is excess insurance over any other automobile insurance of the same type available to the injured person or in respect of a deceased person. Excess  
insurance

(5) Where a person is entitled to benefits under more than one contract providing insurance of the type mentioned in this section, he or his personal representative or any person claiming through or under him or by virtue of *The Fatal Accidents Act* may recover only an amount equal to, Limit of  
benefit  
payable

- (a) one benefit, if the benefits under the contracts are of the same limit; or



- (b) the highest benefit, if the benefits under the contracts are not of the same limit.

Demand for  
particulars  
of insurance

226d.—(1) Where a person is injured or killed in an accident in Ontario involving an automobile, that person or his personal representative may serve,

- (a) a demand by registered mail on the owner of the automobile; or
- (b) a demand by registered mail on the insurer of the owner of the automobile,

requiring the owner or insurer, as the case may be, to state in writing to the person making the demand whether or not that owner has insurance of the type mentioned in section 226b or 226c, and, where the demand is made under clause a, requiring the owner, if he has such insurance, to state the name of the insurer.

Offence

(2) An owner or insurer who does not, within ten days after receiving a demand made under subsection 1, comply with the demand is guilty of an offence.

Rights of  
unnamed  
insured

226e. Any person insured by but not named in a contract to which section 226b or 226c applies may recover under the contract in the same manner and to the same extent as if named therein as the insured, and for that purpose shall be deemed to be a party to the contract and to have given consideration therefor.

Payment  
into S.C.O.

226f.—(1) Where an insurer admits liability for insurance money payable under section 226a, 226b or 226c and it appears that,

- (a) there are adverse claimants;
- (b) the whereabouts of an insured person entitled is unknown; or
- (c) there is no person capable of giving and authorized to give a valid discharge therefor who is willing to do so,

the insurer may, at any time after thirty days after the date upon which the insurance money becomes payable, apply to the court *ex parte* for an order for payment of the money into the Supreme Court, and the court may upon such notice, if any, as it thinks necessary make an order accordingly.

(2) The receipt of the proper officer of the court is sufficient <sup>Discharge of insurer</sup> discharge to the insurer for the insurance money paid into the Supreme Court, and the insurance money shall be dealt with as the court orders.

226g. Every action or proceeding against an insurer under <sup>Limitation of action</sup> a contract in respect of insurance provided under section 226a, 226b or 226c shall be commenced within the limitation period specified in the contract, but in no event shall the limitation period be less than one year after the happening of the accident.

226h. Where any person makes a claim for damages in <sup>Demand on claimant</sup> respect of bodily injury or death sustained by the person or any other person while driving or being carried in or upon or entering or getting on to or alighting from or as a result of being struck by an automobile, he shall, if required by the person against whom the claim is made or by someone acting on his behalf, furnish to or for that person full particulars of all insurance available to the claimant under contracts falling within the scope of section 226b or 226c, and of any payments of insurance money made or to be made thereunder.

226i. Subject to subsection 1 of section 200, an insurer may <sup>Terms of certain insurances</sup> in a policy, ~~provide any other insurance or any other insurance~~ (P)

- (a) provide insurance that is less extensive in scope than the insurance mentioned in section 226a, 226b or 226c; and
- (b) provide the terms of the contract that relate to the insurance mentioned in section 226a, 226b or 226c.

#### OTHER INSURANCE

226j.—(1) Subject to section 220, insurance under a <sup>Other insurance</sup> contract evidenced by a valid owner's policy of the kind mentioned in paragraph 44a of section 1 is, in respect of liability arising from or occurring in connection with the ownership, use or operation of an automobile owned by the insured named in the contract and within the description or definition thereof in the policy, a first loss insurance, and insurance attaching under any other valid motor vehicle liability policy is excess insurance only.

(2) Subject to sections 220, 226b and 226c and to subsection <sup>Idem</sup> 1 of this section, if the insured named in a contract has or places any other valid insurance, whether against liability for the ownership, use or operation of or against loss of or damage to an automobile or otherwise, of his interest in the subject-



matter of the contract or any part thereof, the insurer is liable only for its rateable proportion of any liability, expense, loss or damage.

#### SUBROGATION

**Subrogation** 226*k*.—(1) An insurer who makes any payment or assumes liability therefor under a contract is subrogated to all rights of recovery of the insured against any person and may bring action in the name of the insured to enforce those rights.

**Pro-rating recovery** (2) Where the net amount recovered whether by action or on settlement is, after deduction of the costs of the recovery, not sufficient to provide complete indemnity for the loss or damage suffered, the amount remaining shall be divided between the insurer and the insured in the proportion in which the loss or damage has been borne by them.

**Action when sec. 225 applies** (3) Where the interest of an insured in any recovery is limited to the amount provided under a clause in the contract to which section 225 applies, the insurer shall have control of the action.

**Application to S.C.O.** (4) Where the interest of an insured in any recovery exceeds that referred to in subsection 2 and the insured and the insurer cannot agree as to,

- (a) the solicitors to be instructed to bring the action in the name of the insured;
- (b) the conduct and carriage of the action or any matters pertaining thereto;
- (c) any offer of settlement or the apportionment thereof, whether action has been commenced or not;
- (d) the acceptance of any money paid into court or the apportionment thereof;
- (e) the apportionment of costs; or
- (f) the launching or prosecution of an appeal,

either party may apply to the Supreme Court for the determination of the matters in question, and the court shall make such order as it considers reasonable having regard to the interests of the insured and the insurer in any recovery in the action or proposed action or in any offer of settlement.



SECTION 13. Complementary to section 11.

SECTION 14. Premiums on which the annual tax payable by exchanges is based include premiums on re-insurance ceded and do not include premiums on re-insurance assumed.

SECTIONS 15 and 16. The amendments clarify the provisions relating to the fixing of special rates for leased vehicles.

(5) On an application under subsection 4, the only parties <sup>Idem</sup> entitled to notice and to be heard thereon are the insured and the insurer, and no material or evidence used or taken upon the application is admissible upon the trial of an action brought by or against the insured or the insurer.

(6) A settlement or release given before or after an action is brought does not bar the rights of the insured or the insurer, as the case may be, unless they have concurred therein. <sup>Concurrence in settlement or release</sup>

**12.** Part VI of *The Insurance Act* as it was in force immediately before the day on which section 11 comes into force continues to apply to contracts of automobile insurance made before the day on which section 11 comes into force until the contract expires or is cancelled or renewed. <sup>Exception of existing contracts</sup>

**13.** Clause *e* of subsection 2 of section 228 of *The Insurance Act* is repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 190, s. 228, subs. 2, cl. e, re-enacted</sup>

(e) insurance provided under section 226a, 226b or 226c.

**14.** Section 313 of *The Insurance Act* is repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 190, s. 313, re-enacted</sup>

313. The attorney shall, on or before the 1st day of March in each year, pay to the Treasurer of Ontario for the use of Ontario an annual tax equal to 2 per cent of the gross premiums or deposits, other than those in respect of re-insurance ceded to the exchange by other insurers, collected from subscribers in respect of risks located in Ontario during the preceding calendar year, after deducting returns for cancellations and all amounts returned to subscribers or credited to their accounts as savings during such year. <sup>Annual tax</sup>

**15.** Subsection 2 of section 336 of *The Insurance Act* is repealed. <sup>R.S.O. 1960, c. 190, s. 336, subs. 2, repealed</sup>

**16.** *The Insurance Act* is amended by adding thereto the following section: <sup>R.S.O. 1960, c. 190, amended</sup>

336a.—(1) Nothing in this Act prohibits the fixing or charging of a special rate for the insurance of two or more vehicles owned by and registered in the name of the same person, except where the owner is engaged in the business of leasing the vehicles and the vehicles are the subject of a leasing agreement for a period in excess of thirty days. <sup>Where special rate permitted</sup>



Idem (2) Nothing in this section prohibits the fixing or charging of a special rate for the insurance of two or more vehicles of a lessor that are rented to the same lessee.

R.S.O. 1960, c. 190, amended **17.** *The Insurance Act* is amended by adding thereto the following section:

Transfer of contracts where insurer leaves Ontario

353. Where under an agreement between an insurer, in this section called the "continuing insurer", and another insurer, in this section called the "retiring insurer", in anticipation of the retiring insurer ceasing to do business in Ontario, the continuing insurer assumes liability under contracts of insurance specified in the agreement issued by the retiring insurer and the retiring insurer ceases to carry on business in Ontario, an insured or other person entitled to rights under those contracts may enforce the rights as though those contracts had been issued by the continuing insurer.

R.S.O. 1960, c. 190, Sched. B, amended

**18.** Schedule B of *The Insurance Act* is amended by striking out "Any action that may be brought or commenced in a division court in respect or on account of this note, or any sum to be assessed thereon, may be brought and commenced against the maker hereof in the division court for the division wherein the head office or any agency of the insurer is located" in the sixteenth to twentieth lines and substituting in lieu thereof the following:

An action that may be brought or commenced in a division court in respect or on account of this note, or any sum to be assessed thereon, may be brought and commenced against the maker hereof in the division court for the division in which the head office or an agency of the insurer is located.

Commencement

**19.**—(1) This Act, except sections 1, 2, 3 and 7 to 14, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 2, 3 and 7 to 14 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**20.** This Act may be cited as *The Insurance Amendment Act, 1966*.



SECTION 17. The new provision provides an insured with a right of action against an insurer who assumes the contract originally made with an insurer who leaves Ontario.

SECTION 18. The amendment brings the wording of the notice in the form in line with that required by section 133 of *The Insurance Act*.

An Act to amend 'The Insurance Act

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*1st Reading*

June 8th, 1966

*2nd Reading*

*3rd Reading*

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MR. WISHART

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# **BILL 162**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Insurance Act**

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**MR. WISHART**

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## An Act to amend The Insurance Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Paragraphs 6 and 7 of section 1 of *The Insurance Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 190, s. 1,  
pars. 6, 7,  
re-enacted

6. "automobile" includes a trolley bus and a self-propelled vehicle, and the trailers, accessories and equipment of automobiles, but does not include railway rolling stock that runs on rails, watercraft or aircraft;

7. "automobile insurance" means insurance,

(a) against liability arising out of,

(i) bodily injury to or the death of a person, or

(ii) loss of or damage to property,

caused by an automobile or the use or operation thereof; or

(b) against loss of or damage to an automobile and the loss of use thereof,

and includes insurance otherwise coming within the class of accident insurance where the accident is caused by an automobile or the use or operation thereof, whether liability exists or not, if the contract also includes insurance described in clause a.

(2) Paragraph 40 of the said section 1, as re-enacted by subsection 2 of section 1 of *The Insurance Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 190, s. 1,  
par. 40  
(1964,  
c. 47, s. 1,  
subs. 2),  
re-enacted



40. "Minister" means the Minister of Financial and Commercial Affairs.

R.S.O. 1960,  
c. 190, s. 1,  
amended

- (3) The said section 1 is amended by adding thereto the following paragraphs:

- 40a. "motor vehicle liability policy" means a policy or part of a policy evidencing a contract insuring,

(a) the owner or driver of an automobile; or

(b) a person who is not the owner or driver thereof where the automobile is being used or operated by his employee or agent or any other person on his behalf,

against liability arising out of bodily injury to or the death of a person or loss or damage to property caused by an automobile or the use or operation thereof;

- 43a. "non-owner's policy" means a motor vehicle liability policy insuring a person solely in respect of the use or operation by him or on his behalf of an automobile that is not owned by him;

- 44a. "owner's policy" means a motor vehicle liability policy insuring a person in respect of the ownership, use or operation of an automobile owned by him and within the description or definition thereof in the policy and, if the contract so provides, in respect of the use or operation of any other automobile.

R.S.O. 1960,  
c. 190, s. 25  
(1962-63,  
c. 64, s. 1),  
re-enacted

2. Section 25 of *The Insurance Act*, as re-enacted by section 1 of *The Insurance Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Conditions  
of auto-  
mobile  
insurance  
licence

- 25.—(1) A licence to carry on automobile insurance in Ontario is subject to the following conditions:

1. In any action in Ontario against the licensed insurer or its insured arising out of an automobile accident in Ontario, the insurer shall appear and shall not set up any defence to a claim under a contract made outside Ontario, including any defence as to the limit

or limits of liability under the contract, that might not be set up if the contract were evidenced by a motor vehicle liability policy issued in Ontario.

2. In any action in another province or territory of Canada against the licensed insurer, or its insured, arising out of an automobile accident in that province or territory, the insurer shall appear and shall not set up any defence to a claim under a contract evidenced by a motor vehicle liability policy issued in Ontario, including any defence as to the limit or limits of liability under the contract, that might not be set up if the contract were evidenced by a motor vehicle liability policy issued in the other province or territory.

- (2) A licence may be cancelled when the holder commits a breach of condition as set out in subsection 1. Penalty for breach

3. Section 28 of *The Insurance Act* is repealed.

R.S.O. 1960,  
c. 190, s. 28,  
repealed

4. Subsection 1 of section 29 of *The Insurance Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 190, s. 29,  
subs. 1,  
re-enacted

- (1) A licence shall not be granted to a joint stock insurance company not licensed on the 15th day of June, 1966, unless the company furnishes to the Superintendent satisfactory evidence that of the capital stock not less than \$500,000 has been *bona fide* subscribed for, allotted and paid in and, in addition, Restriction on granting licences

(a) where the company is undertaking life insurance, the company has an unimpaired surplus of not less than \$500,000; or

(b) where the company is not undertaking life insurance, an unimpaired surplus of not less than \$100,000.

5. Subsection 5 of section 76 of *The Insurance Act*, as amended by subsection 1 of section 2 of *The Insurance Amendment Act, 1962-63*, is further amended by inserting after "insurer" in the third line "not less than " and by inserting after "or" in the fifth line "not less than", so that the subsection shall read as follows: R.S.O. 1960,  
c. 190, s. 76,  
subs. 5,  
amended

- (5) Subject to subsection 5a, in the case of all classes of insurance, other than life insurance, and in the case of all insurers, the statement shall show as a liability Unearned premiums liability

of the insurer not less than 80 per cent of the actual portions of unearned premiums on all business in force on the 31st day of December then last past or not less than 80 per cent of 50 per cent of the premiums written in its policies and received in respect of contracts having one year or less to run and *pro rata* on those for longer periods.

R.S.O. 1960,  
c. 190, s. 87,  
subs. 1,  
amended

**6.** Subsection 1 of section 87 of *The Insurance Act* is amended by striking out "\$20" in the second line and inserting in lieu thereof "\$50" and by striking out "\$200" in the third line and inserting in lieu thereof "\$500", so that the subsection shall read as follows:

General  
penalty

- (1) Unless otherwise provided, every person guilty of an offence under this Act shall incur a fine of not less than \$50 and not more than \$500 for every such offence.

R.S.O. 1960,  
c. 190, s. 94,  
subs. 2,  
amended

**7.** Subsection 2 of section 94 of *The Insurance Act* is amended by striking out "automobile and" in the first and second lines, so that the subsection shall read as follows:

Application  
of section

- (2) This section does not apply to contracts of guarantee insurance.

R.S.O. 1960,  
c. 190,  
amended

**8.** *The Insurance Act* is amended by adding thereto the following sections:

Application

- 94a.—(1) This section applies to a contract containing a condition, statutory or otherwise, providing for an appraisal to determine specified matters in the event of a disagreement between the insured and the insurer.

Appraisals

- (2) The insured and the insurer shall each appoint an appraiser, and the two appraisers so appointed shall appoint an umpire.

Appraisers

- (3) The appraisers shall determine the matters in disagreement and, if they fail to agree, they shall submit their differences to the umpire, and the finding in writing of any two determines the matters.

Costs

- (4) Each party to the appraisal shall pay the appraiser appointed by him and shall bear equally the expense of the appraisal and the umpire.

Appoint-  
ment by  
judge

- (5) Where,

- (a) a party fails to appoint an appraiser within seven clear days after being served with written notice to do so;



- (b) the appraisers fail to agree upon an umpire within fifteen days after their appointment; or
- (c) an appraiser or umpire refuses to act or is incapable of acting or dies,

a judge of the county or district court of the county or district in which the appraisal is to be made may appoint an appraiser or umpire, as the case may be, upon the application of the insured or of the insurer.

94b. Where there has been imperfect compliance with a statutory condition as to the proof of loss to be given by the insured or other matter or thing required to be done or omitted by the insured with respect to the loss and a consequent forfeiture or avoidance of the insurance in whole or in part and the court considers it inequitable that the insurance should be forfeited or avoided on that ground, the court may relieve against the forfeiture or avoidance on such terms as it considers just. Relief from forfeiture

94c. Insurance money is payable in Ontario in lawful money of Canada. How policy payable

94d.—(1) No term or condition of a contract shall be deemed to be waived by the insurer in whole or in part unless the waiver is stated in writing and signed by a person authorized for that purpose by the insurer. Waiver of term or condition

(2) Neither the insurer nor the insured shall be deemed to have waived any term or condition of a contract by any act relating to the appraisal of the amount of loss or to the delivery and completion of proofs or to the investigation or adjustment of any claim under the contract. Idem

9. Statutory condition 11 in section 111 of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 190, s. 111, stat. cond. 11, re-enacted

#### Appraisal

11. In the event of disagreement as to the value of the property insured, the property saved or the amount of the loss, those questions shall be determined by appraisal as provided under *The Insurance Act* before there can be any recovery under this contract whether the right to recover on the contract is disputed or not, and independent of all other questions. There shall be no right to an appraisal until a specific demand therefor is made in writing and until after proof of loss has been delivered.

10. Sections 112, 115 and 117 of *The Insurance Act* are repealed. R.S.O. 1960, c. 190, ss. 112, 115, 117, repealed

R.S.O. 1960,  
c. 190,  
Part VI  
(ss. 198-226),  
re-enacted

11. Subject to section 12, Part VI of *The Insurance Act*, as amended by sections 5 and 6 of *The Insurance Amendment Act, 1961-62* and section 9 of *The Insurance Amendment Act, 1964*, is repealed and the following substituted therefor:

## PART VI

### AUTOMOBILE INSURANCE

Interpre-  
tation

198. In this Part,

- (a) "contract" means a contract of automobile insurance;
- (b) "insured" means a person insured by a contract whether named or not.

Application  
of Part

199.—(1) This Part applies to contracts providing automobile insurance made or renewed in Ontario on or after the 1st day of January, 1968.

Exception

(2) This Part does not apply to contracts insuring only against,

- (a) loss of or damage to an automobile while in or on described premises;
- (b) loss of or damage to property carried in or upon an automobile; or
- (c) liability for loss of or damage to property carried in or upon an automobile.

Idem

(3) This Part does not apply to a contract providing insurance in respect of an automobile not required to be registered under *The Highway Traffic Act* unless it is insured under a contract evidenced by a form of policy approved under this Part.

R.S.O. 1960,  
c. 72

Idem

(4) This Part does not apply to a contract insuring solely the interest of a person who has a lien upon, or has as security legal title to, an automobile and who does not have possession of the automobile.

### APPROVAL OF FORMS

Approval of  
forms by  
Superin-  
tendent

200.—(1) No insurer shall use a form of application, policy, endorsement or renewal or continuation certificate in respect of automobile insurance other than a form approved by the Superintendent.



(2) An insurer may require additional information in an approved application form, but such additional information does not constitute part of the application for the purposes of section 203. Insurer requiring additional information

(3) Where, in the opinion of the Superintendent, any provision of this Part, including any statutory condition, is wholly or partly inappropriate to the requirements of a contract or is inapplicable by reason of the requirements of any Act, he may approve a form of policy, or part thereof, or endorsement evidencing a contract sufficient or appropriate to insure the risks required or proposed to be insured, and the contract evidenced by the policy or endorsement in the form so approved is effective and binding according to its terms notwithstanding that those terms are inconsistent with, vary, omit or add to any provision or condition of this Part. Approval of policies in special cases

(4) Except as to matters mentioned in section 212, the Superintendent may, if he considers it to be in the public interest, approve a form of motor vehicle liability policy or endorsement thereto that extends the insurance beyond that prescribed in this Part. Approval of extensions

(5) The Superintendent, in granting an approval under subsection 4, may require the insurer to charge an additional premium for the extension and to state that fact in the policy or in any endorsement. Condition of approval of extension

(6) The Superintendent may revoke an approval given under this section, and, upon notification of the revocation in writing, no insurer shall thereafter use or deliver a form that contravenes the notification. Revocation of approval

(7) The Superintendent shall, on request of any interested insurer, specify in writing his reasons for granting, refusing or revoking an approval of a form. Reason for decision

(8) An insurer that issues or delivers an owner's policy in Ontario, or any renewal thereof, or any evidence of the continuation of the policy, shall issue to the insured a card evidencing the insurance, and the card shall be in a form approved by the Superintendent. Insurance card

#### APPLICATION AND POLICY

201. No person carrying on the business of financing the sale or purchase of automobiles and no automobile dealer, insurance agent or broker and no officer or employee of such a person, dealer, agent or broker shall act as the agent of an applicant for the purpose of signing an application for automobile insurance. Persons forbidden to act as agent

Copy of  
application  
in policy

202.—(1) A copy of the written application, signed by the insured or his agent, or, if no signed application is made, a copy of the purported application, or a copy of such part of the application or purported application as is material to the contract, shall be embodied in, endorsed upon or attached to the policy when issued by the insurer.

Policy  
issued where  
no signed  
application

(2) If no signed written application is received by the insurer prior to the issue of the policy, the insurer shall deliver or mail to the insured named in the policy, or to the agent for delivery or mailing to the insured, a form of application to be completed and signed by the insured and returned to the insurer.

Insured  
entitled to  
copy

(3) The insurer shall deliver or mail to the insured named in the policy, or to the agent for delivery or mailing to the insured, the policy or a true copy thereof and every endorsement or other amendment to the contract.

Form of  
policy

(4) Where a written application signed by the insured or his agent is made for a contract, the policy evidencing the contract shall be deemed to be in accordance with the application unless the insurer points out in writing to the insured named in the policy in what respect the policy differs from the application, and, in that event, the insured shall be deemed to have accepted the policy unless within one week from the receipt of the notification he informs the insurer in writing that he rejects the policy.

Endorse-  
ment on  
forms

(5) Upon every application form and policy, there shall be printed or stamped in conspicuous type a copy of subsection 1 of section 203.

Misrepre-  
sentation or  
violation of  
conditions  
renders  
claim  
invalid

203.—(1) Where,

(a) an applicant for a contract,

(i) gives false particulars of the described automobile to be insured to the prejudice of the insurer, or

(ii) knowingly misrepresents or fails to disclose in the application any fact required to be stated therein;

(b) the insured contravenes a term of the contract or commits a fraud; or

(c) the insured wilfully makes a false statement in respect of a claim under the contract,

a claim by the insured is invalid and the right of the insured to recover indemnity is forfeited.

(2) No statement of the applicant shall be used in defence of a claim under the contract unless it is contained in the signed written application therefor or, where no signed written application is made, in the purported application, or part thereof, that is embodied in, endorsed upon or attached to the policy. <sup>Use of application as defence</sup>

(3) No statement contained in a purported copy of the application, or part thereof, other than a statement describing the risk and the extent of the insurance, shall be used in defence of a claim under the contract unless the insurer proves that the applicant made the statement attributed to him in the purported application, or part thereof. <sup>Idem</sup>

204.—(1) Subject to subsection 3 of section 200, section 205 and section 225, <sup>Statutory conditions</sup>

(a) the conditions set forth in this section are statutory conditions and shall be deemed to be part of every contract and shall be printed in every policy with the heading "Statutory Conditions"; and

(b) no variation or omission of or addition to a statutory condition is binding on the insured.

(2) In this section, "policy" does not include an interim receipt or binder. <sup>Interpretation</sup>

### STATUTORY CONDITIONS

In these statutory conditions, unless the context otherwise requires, the word "insured" means a person insured by this contract whether named or not.

**Material Change In Risk** 1.—(1) The insured named in this contract shall promptly notify the insurer or its local agent in writing of any change in the risk material to the contract and within his knowledge.

(2) Without restricting the generality of the foregoing, the words "change in the risk material to the contract" include:

(a) any change in the insurable interest of the insured named in this contract in the automobile by sale, assignment or otherwise, except through change of title by succession, death or proceedings under the *Bankruptcy Act* (Canada);

and in respect of insurance against loss of or damage to the automobile,

(b) any mortgage, lien or encumbrance affecting the automobile after the application for this contract;

(c) any other insurance of the same interest, whether valid or not, covering loss or damage insured by this contract or any portion thereof.

**Prohibited Use by Insured** 2.—(1) The insured shall not drive or operate the automobile,



- (a) while under the influence of intoxicating liquor or drugs to such an extent as to be for the time being incapable of the proper control of the automobile; or
- (b) unless he is for the time being either authorized by law or qualified to drive or operate the automobile; or
- (c) while he is under the age of sixteen years or under such other age as is prescribed by the law of the province in which he resides at the time this contract is made as being the minimum age at which a licence or permit to drive an automobile may be issued to him; or
- (d) for any illicit or prohibited trade or transportation; or
- (e) in any race or speed test.

**Prohibited Use  
by Others**

(2) The insured shall not permit, suffer, allow or connive at the use of the automobile,

- (a) by any person under the influence of intoxicating liquor or drugs to such an extent as to be for the time being incapable of the proper control of the automobile; or
- (b) by any person,
  - (i) unless that person is for the time being either authorized by law or qualified to drive or operate the automobile; or
  - (ii) while that person is under the age of sixteen years or under such other age as is prescribed by the law of the province in which he resides at the time this contract is made as being the minimum age at which a licence or permit to drive an automobile may be issued to him; or
- (c) for any illicit or prohibited trade or transportation; or
- (d) in any race or speed test.

**Requirements  
Where Loss  
or Damage to  
Persons or  
Property**

3.—(1) The insured shall,

- (a) promptly give to the insurer written notice, with all available particulars, of any accident involving loss or damage to persons or property and of any claim made on account of the accident;
  - (b) verify by statutory declaration, if required by the insurer, that the claim arose out of the use or operation of the automobile and that the person operating or responsible for the operation of the automobile at the time of the accident is a person insured under this contract; and
  - (c) forward immediately to the insurer every letter, document, advice or writ received by him from or on behalf of the claimant.
- (2) The insured shall not,
- (a) voluntarily assume any liability or settle any claim except at his own cost; or
  - (b) interfere in any negotiations for settlement or in any legal proceeding.
- (3) The insured shall, whenever requested by the insurer, aid in securing information and evidence and the attendance of any witness and shall co-operate with the insurer, except in a pecuniary way, in the defence of any action or proceeding or in the prosecution of any appeal.

**Requirements  
Where Loss  
or Damage to  
Automobile**

4.—(1) Where loss of or damage to the automobile occurs, the insured shall, if the loss or damage is covered by this contract,

- (a) promptly give notice thereof in writing to the insurer with the fullest information obtainable at the time;
- (b) at the expense of the insurer, and as far as reasonably possible, protect the automobile from further loss or damage; and
- (c) deliver to the insurer within ninety days after the date of the loss or damage a statutory declaration stating, to the best of his knowledge and belief, the place, time, cause and amount of the loss or damage, the interest of the insured and of all others therein, the encumbrances thereon, all other insurance, whether valid or not, covering the automobile and that the loss or damage did not occur through any wilful act or neglect, procurement, means or connivance of the insured.

(2) Any further loss or damage accruing to the automobile directly or indirectly from a failure to protect it as required under subcondition 1 of this condition is not recoverable under this contract.

(3) No repairs, other than those that are immediately necessary for the protection of the automobile from further loss or damage, shall be undertaken and no physical evidence of the loss or damage shall be removed,

- (a) without the written consent of the insurer; or
- (b) until the insurer has had a reasonable time to make the examination for which provision is made in statutory condition 5.

**Examination  
of Insured**

(4) The insured shall submit to examination under oath, and shall produce for examination at such reasonable place and time as is designated by the insurer or its representative all documents in his possession or control that relate to the matters in question, and he shall permit extracts and copies thereof to be made.

**Insurer Liable  
for Cash Value  
of Automobile**

(5) The insurer shall not be liable for more than the actual cash value of the automobile at the time any loss or damage occurs, and the loss or damage shall be ascertained or estimated according to that actual cash value with proper deduction for depreciation, however caused, and shall not exceed the amount that it would cost to repair or replace the automobile, or any part thereof, with material of like kind and quality, but, if any part of the automobile is obsolete and out of stock, the liability of the insurer in respect thereof shall be limited to the value of that part at the time of loss or damage, not exceeding the maker's latest list price.

**Repair or  
Replacement**

(6) Except where an appraisal has been made, the insurer, instead of making payment, may, within a reasonable time, repair, rebuild or replace the property damaged or lost with other of like kind and quality if, within seven days after the receipt of the proof of loss, it gives written notice of its intention to do so.

**No Abandon-  
ment; Salvage**

(7) There shall be no abandonment of the automobile to the insurer without the insurer's consent. If the insurer exercises the option to replace the automobile or pays the actual cash value of the automobile, the salvage, if any, shall vest in the insurer.

**In Case of  
Disagreement**

(8) In the event of disagreement as to the nature and extent of the repairs and replacements required, or as to their adequacy, if effected, or as to the amount payable in respect of any loss or damage, those questions shall be determined by appraisal as provided under *The Insurance Act* before there can be recovery under this contract, whether the right to recover on the



contract is disputed or not, and independent of all other questions. There shall be no right to an appraisal until a specific demand therefor is made in writing and until after proof of loss has been delivered.

**Inspection of Automobile**

5. The insured shall permit the insurer at all reasonable times to inspect the automobile and its equipment.

**Time and Manner of Payment of Insurance Money**

6.—(1) The insurer shall pay the insurance money for which it is liable under this contract within sixty days after the proof of loss has been received by it or, where an appraisal is made under subcondition 8 of statutory condition 4, within fifteen days after the award is rendered by the appraisers.

**When Action May be Brought**

(2) The insured shall not bring an action to recover the amount of a claim under this contract unless the requirements of statutory conditions 3 and 4 are complied with or until the amount of the loss has been ascertained as therein provided or by a judgment against the insured after trial of the issue or by agreement between the parties with the written consent of the insurer.

**Limitation of Actions**

(3) Every action or proceeding against the insurer under this contract in respect of loss or damage to the automobile shall be commenced within one year next after the happening of the loss and not afterwards, and in respect of loss or damage to persons or property shall be commenced within one year next after the cause of action arose and not afterwards.

**Who May Give Notice and Proofs of Claim**

7. Notice of claim may be given and proofs of claim may be made by the agent of the insured named in this contract in case of absence or inability of the insured to give the notice or make the proof, such absence or inability being satisfactorily accounted for or, in the like case or if the insured refuses to do so, by a person to whom any part of the insurance money is payable.

**Termination**

8.—(1) This contract may be terminated,

(a) by the insurer giving to the insured fifteen days' notice of termination by registered mail or five days' written notice of termination personally delivered;

(b) by the insured at any time on request.

(2) Where this contract is terminated by the insurer,

(a) the insurer shall refund the excess of premium actually paid by the insured over the *pro rata* premium for the expired time, but in no event shall the *pro rata* premium for the expired time be deemed to be less than any minimum retained premium specified; and

(b) the refund shall accompany the notice unless the premium is subject to adjustment or determination as to the amount, in which case the refund shall be made as soon as practicable.

(3) Where this contract is terminated by the insured, the insurer shall refund as soon as practicable the excess of premium actually paid by the insured over the short rate premium for the expired time, but in no event shall the short rate premium for the expired time be deemed to be less than any minimum retained premium specified.

(4) The refund may be made by money, postal or express company money order or cheque payable at par.

(5) The fifteen days mentioned in clause a of subcondition 1 of this condition commences to run on the day following the receipt of the registered letter at the post office to which it is addressed.

**Notice**

9. Any written notice to the insurer may be delivered at, or sent by registered mail to, the chief agency or head office of the insurer in Ontario. Written notice may be given to the insured named in this contract by letter personally delivered to him or by registered mail addressed to him at his latest post office address as notified to the insurer. In this condition, the expression "registered" means registered in or outside Canada.

205.—(1) Except as otherwise provided in the contract, the statutory conditions set forth in section 204 do not apply to insurance coming within section 225, 226a or 226c. Exceptions respecting statutory conditions

(2) Where a contract does not insure against liability for loss or damage to persons and property, statutory condition 3 in section 204 is not a part of the policy and may be omitted from the printing of the conditions in the policy. Idem

(3) Where a contract does not insure against loss of or damage to the automobile, statutory condition 4 in section 204 is not a part of the policy and may be omitted from the printing of the conditions in the policy. Idem

**MOTOR VEHICLE LIABILITY POLICIES**

206.—(1) Every contract evidenced by an owner's policy insures the person named therein and every other person who with his consent personally drives an automobile owned by the insured named in the contract and within the description or definition thereof in the contract against liability imposed by law upon the insured named in the contract or that other person for loss or damage, Coverage of owner's policy, specific automobile

- (a) arising from the ownership, use or operation of any such automobile; and
- (b) resulting from bodily injury to or the death of any person, and damage to property.

(2) Where the contract evidenced by an owner's policy also provides insurance against liability in respect of an automobile not owned by the insured named in the contract, an insurer may stipulate in the contract that the insurance is restricted to such persons as are specified in the contract. Idem, other automobiles

(3) Where the insured named in an owner's policy dies, the following persons shall be deemed to be the insured under the policy: Death of person named in owner's policy

- 1. The spouse of the deceased insured if residing in the same dwelling premises at the time of his death.

2. In respect of the described automobile, a newly-acquired automobile that was acquired by the deceased insured prior to his death and a temporary substitute automobile, all as defined by the policy,

- i. any person having proper temporary custody thereof until grant of probate or administration to the personal representative of the deceased insured,

- ii. the personal representative of the deceased insured.

**Coverage of  
non-owner's  
policy**

207. Every contract evidenced by a non-owner's policy insures the person named therein and such other person, if any, as is specified in the policy against liability imposed by law upon the insured named in the contract or that other person for loss or damage,

- (a) arising from the use or operation of an automobile within the definition thereof in the policy, other than an automobile owned by him or registered in his name; and

- (b) resulting from bodily injury to or the death of any person, and damage to property.

**Persons  
deemed not  
owners**

208. For the purposes of this Part, a person shall not be deemed to be the owner of an automobile for the reason only that he has a lien on the automobile or has legal title to the automobile as security.

**Territorial  
limits**

209. Insurance under sections 206 and 207 applies to the ownership, use or operation of the insured automobile within Canada and the United States of America and upon a vessel plying between ports of those countries.

**Rights of  
unnamed  
insured**

210. Any person insured by but not named in a contract to which section 206 or 207 applies may recover indemnity in the same manner and to the same extent as if named therein as the insured, and for that purpose shall be deemed to be a party to the contract and to have given consideration therefor.

**Additional  
agreements**

211. Every contract evidenced by a motor vehicle liability policy shall provide that, where a person insured by the contract is involved in an accident resulting from the ownership, use or operation of an automobile in respect of which insurance is provided under the contract and resulting in loss or damage to persons or property, the insurer shall,



- (a) upon receipt of notice of loss or damage caused to persons or property, make such investigations, conduct such negotiations with the claimant and effect such settlement of any resulting claims as are deemed expedient by the insurer;
- (b) defend in the name and on behalf of the insured and at the cost of the insurer any civil action that is at any time brought against the insured on account of loss or damage to persons or property;
- (c) pay all costs taxed against the insured in any civil action defended by the insurer and any interest accruing after entry of judgment upon that part of the judgment that is within the limits of the insurer's liability; and
- (d) where the injury is to a person, reimburse the insured for outlay for such medical aid as is immediately necessary at the time.

212. The insurer is not liable under a contract evidenced by a motor vehicle liability policy for any liability, <sup>Exceptions from liability</sup>

- (a) imposed by any workmen's compensation law upon any person insured by the contract;
- (b) resulting from bodily injury to or the death of,
  - (i) the daughter, son, wife or husband of any person insured by the contract while being carried in or upon or entering or getting on to or alighting from the automobile, or
  - (ii) any person insured by the contract; or
- (c) resulting from bodily injury to or the death of any employee of any person insured by the contract while engaged in the operation or repair of the automobile.

213. The insurer may provide under a contract evidenced by a motor vehicle liability policy, in either or both of the following cases, that it shall not be liable, <sup>Idem</sup>

- (a) to indemnify any person engaged in the business of selling, repairing, maintaining, servicing, storing or parking automobiles for any loss or damage sustained while engaged in the use or operation of or while working upon the automobile in the course of that business unless the person is the owner of the automobile or is his employee; or

- (b) for loss of or damage to property carried in or upon the automobile or to any property owned or rented by or in the care, custody or control of the insured.

Idem 214. Subject to the limitations and exclusions of the endorsement, the insurer may provide by endorsement to a contract evidenced by a motor vehicle liability policy, in either or both of the following cases, that it shall not be liable for loss or damage,

- (a) resulting from bodily injury to or the death of any person being carried in or upon or entering or getting on to or alighting from the automobile; or
- (b) resulting from the ownership, use or operation of any machinery or apparatus, including its equipment, mounted on or attached to the automobile while such automobile is at the site of the use or operation of that machinery or apparatus.

Idem 215.—(1) The insurer may provide under a contract evidenced by a motor vehicle liability policy, in one or more of the following cases, that it shall not be liable while,

- (a) the automobile is rented or leased to another person;
- (b) the automobile is used to carry explosives or to carry radioactive material for research, education, development or industrial purposes or for purposes incidental thereto;
- (c) the automobile is used as a taxi-cab, public omnibus, livery, jitney or sightseeing conveyance or for carrying passengers for compensation or hire;
- (d) where the insured vehicle is an automobile, other than a trailer, it is used for towing a trailer owned by the insured unless like indemnity is also provided by the insurer in respect of the trailer; or
- (e) where the insured vehicle is a trailer, it is towed by an automobile owned by the insured unless like indemnity is also provided by the insurer in respect of the automobile.

Interpre- (2) In clause *b* of subsection 1, "radioactive material" means,

- (a) spent nuclear fuel rods that have been exposed to radiation in a nuclear reactor;
- (b) radioactive waste material;



(c) unused enriched nuclear fuel rods; or

(d) any other radioactive material of such quantity and quality as to be harmful to persons or property if its container is destroyed or damaged.

(3) Clause *a* of subsection 1 does not include the use by an employee of his automobile on the business of his employer and for which he is paid. Exception

(4) Clause *c* of subsection 1 does not include,

Certain  
rules  
excepted

(a) the use by a person of his automobile for the carriage of another person in return for the former's carriage in the automobile of the latter;

(b) the occasional and infrequent use by a person of his automobile for the carriage of another person who shares the cost of the trip;

(c) the use by a person of his automobile for the carriage of a temporary or permanent domestic servant of the insured or his spouse; or

(d) the use by a person of his automobile for the carriage of a client or customer or a prospective client or customer.

216.—(1) Every contract evidenced by a motor vehicle liability policy insures, in respect of any one accident, to the limit of at least \$35,000, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and loss of or damage to property. Minimum  
liability  
under policy

(2) The contract shall be interpreted to mean that where, by reason of any one accident, liability results from bodily injury or death and from loss of or damage to property, Priorities

(a) claims against the insured arising out of bodily injury or death have priority to the extent of \$30,000 over claims arising out of loss of or damage to property; and

(b) claims against the insured arising out of loss of or damage to property have priority to the extent of \$5,000 over claims arising out of bodily injury or death.

(3) The insurer may, instead of specifying a limit in the policy for an inclusive amount, specify a limit of liability of at least \$35,000, exclusive of interest and costs, against liability Minimum  
limits where  
separate  
limits  
designated

resulting from bodily injury to or the death of one or more persons and a limit of liability of at least \$35,000, exclusive of interest and costs, against liability for loss of or damage to property.

Variation  
of limits

(4) Nothing in this Part precludes an insurer, with respect to a limit or limits in excess of those specified in subsection 1 or 3, from increasing or reducing the limit or limits specified in the contract with respect to the use or operation of the automobile by a named person, but no reduction is effective for a limit less than that required under subsection 1 or 3.

Stipulation  
in motor  
vehicle  
liability  
policy

217.—(1) Every motor vehicle liability policy issued in Ontario shall provide that, in the case of liability arising out of the ownership, use or operation of the automobile in any province or territory of Canada,

- (a) the insurer shall be liable up to the minimum limits prescribed for that province or territory if those limits are higher than the limits prescribed by the policy;
- (b) the insurer shall not set up any defence to a claim that might not be set up if the policy were a motor vehicle liability policy issued in that province or territory; and
- (c) the insured, by acceptance of the policy, constitutes and appoints the insurer his irrevocable attorney to appear and defend in any province or territory of Canada in which an action is brought against the insured arising out of the ownership, use or operation of the automobile.

Power of  
attorney  
binding

(2) A provision in a motor vehicle liability policy in accordance with clause c of subsection 1 is binding on the insured.

Excess  
insurance

218.—(1) Nothing in this Part precludes an insurer from providing insurance under a contract evidenced by a motor vehicle liability policy restricted to a limit in excess of that provided by another designated contract evidenced by a motor vehicle liability policy, whether the designated contract is a first loss insurance or an excess insurance.

Termination  
of excess  
insurance

(2) Where the contract designated in the excess contract terminates or is terminated, the excess contract is also automatically terminated.

Agreement  
for partial  
payment of  
claim by  
insured

219. Nothing in this Part precludes an insurer from entering into an agreement with its insured under a contract evidenced by a motor vehicle liability policy providing that

the insured will reimburse the insurer in an agreed amount in respect of any claim by or judgment in favour of a third party against the insured, and the agreement may be enforced against the insured according to its tenor.

220.—(1) In this section, “nuclear energy hazard” means the radioactive, toxic, explosive or other hazardous properties of prescribed substances under the *Atomic Energy Control Act* (Canada). Interpretation  
R.S.C. 1952,  
c. 11

(2) Where an insured is covered, whether named therein or not, under a contract evidenced by a motor vehicle liability policy for loss or damage resulting from bodily injury to or the death of any person or damage to property arising directly or indirectly out of a nuclear energy hazard and is also covered, whether named therein or not, against such loss or damage under a contract evidenced by a policy of nuclear energy hazard liability insurance issued by a group of insurers and in force at the time of the event giving rise to the loss or damage, Liability when nuclear energy contract also in force

- (a) the motor vehicle liability insurance is excess to the nuclear energy hazard liability insurance, and the insurer under the contract of motor vehicle liability insurance is not liable to pay beyond the minimum limits prescribed by section 216; and
- (b) the unnamed insured under the contract of nuclear energy liability insurance may, in respect of such loss or damage, recover indemnity under that contract in the same manner and to the same extent as if named therein as the insured, and for that purpose he shall be deemed to be a party to the contract and to have given consideration therefor.

(3) For the purpose of this section, a contract of nuclear energy hazard liability insurance shall be deemed to be in force at the time of the event giving rise to the loss or damage, notwithstanding that the limits of liability thereunder have been exhausted. When contract deemed in force

221.—(1) Where a person is insured under more than one contract evidenced by a motor vehicle liability policy, whether the insurance is first loss insurance or excess, and a question arises under clause *b* of section 211 between an insurer and the insured or between the insurers as to which insurer shall undertake the obligation to defend in the name and on behalf of the insured, whether or not any insurer denies liability under its contract, the insured or any insurer may apply to the Defence where more than one contract



Supreme Court, and the court shall give such directions as may appear proper with respect to the performance of the obligation.

#### Hearing

(2) On an application under subsection 1, the only parties entitled to notice thereof and to be heard thereon are the insured and his insurers, and no material or evidence used or taken upon such an application is admissible upon the trial of an action brought against the insured for loss or damage to persons or property arising out of the use or operation of the automobile in respect of which the insurance is provided.

#### Order

(3) An order under subsection 1 does not affect the rights and obligations of the insurers in respect of payment of any indemnity under their respective policies.

#### Contribution

(4) Where indemnity is provided to the insured under two or more contracts and one or more of them are excess insurance, the insurers shall, as between themselves, contribute to the payment of expenses, costs and reimbursement for which provision is made in section 211 in accordance with their respective liabilities for damages awarded against the insured.

#### Application of insurance money under motor vehicle liability policy

222.—(1) Any person who has a claim against an insured for which indemnity is provided by a contract evidenced by a motor vehicle liability policy, notwithstanding that such person is not a party to the contract, may, upon recovering a judgment therefor in any province or territory of Canada against the insured, have the insurance money payable under the contract applied in or towards satisfaction of his judgment and of any other judgments or claims against the insured covered by the contract and may, on behalf of himself and all persons having such judgments or claims, maintain an action against the insurer to have the insurance money so applied.

#### Limitation

(2) No action shall be brought against an insurer under subsection 1 after the expiration of one year from the final determination of the action against the insured, including appeals if any.

#### Other creditors excluded

(3) A creditor of the insured is not entitled to share in the insurance money payable under any contract unless his claim is one for which indemnity is provided for by that contract.

#### Insurer absolutely liable

(4) The right of a person who is entitled under subsection 1 to have insurance money applied upon his judgment or claim is not prejudiced by,

- (a) an assignment, waiver, surrender, cancellation or discharge of the contract, or of any interest therein or of

the proceeds thereof, made by the insurer after the happening of the event giving rise to a claim under the contract;

- (b) any act or default of the insured before or after that event in contravention of this Part or of the terms of the contract; or
- (c) any contravention of the *Criminal Code* (Canada) or <sup>1953-54, c. 51 (Can.)</sup> a statute of any province or territory of Canada or of any state or the District of Columbia of the United States of America by the owner or driver of the automobile,

and nothing mentioned in clause *a*, *b* or *c* is available to the insurer as a defence in an action brought under subsection 1.

(5) It is not a defence to an action under this section that an instrument issued as a motor vehicle liability policy by a person engaged in the business of an insurer and alleged by a party to the action to be such a policy is not a motor vehicle liability policy, and this section applies *mutatis mutandis* to the instrument. Section applicable to purported policy

(6) The insurer may require any other insurers liable to indemnify the insured in whole or in part in respect of judgments or claims to which reference is made in subsection 1 to be made parties to the action and contribute according to their respective liabilities, whether the contribution is rateably or by way of first loss or excess insurance, as the case may be, and the insured shall on demand furnish the insurer with particulars of all other insurance covering the subject-matter of the contract. Contribution among insurers

(7) Where any person has recovered a judgment against the insured and is entitled to bring action under subsection 1, and the insurer admits liability to pay the insurance money under the contract and the insurer considers that, Payment into court

- (a) there are or may be other claimants; or
- (b) there is no person capable of giving and authorized to give a valid discharge for payment who is willing to do so,

the insurer may apply to the court *ex parte* for an order for payment of the money into court, and the court may, upon such notice, if any, as it thinks necessary, make an order accordingly.



Effect of  
order

(8) The receipt of the proper officer of the court is sufficient discharge to the insurer for the insurance money paid into court under subsection 7, and the insurance money shall be dealt with as the court may order upon application of any person interested therein.

Defence to  
passenger  
claim and  
re excess  
limits  
relating to  
section 215  
coverage

(9) Notwithstanding anything contained therein to the contrary, every contract evidenced by a motor vehicle liability policy shall, for the purposes of this section, be deemed to provide all the types of coverage mentioned in section 215, but the insurer is not liable to a claimant,

- (a) where the claim results from bodily injury to or the death of any person being carried in or upon or entering or getting on to or alighting from the automobile; or
- (b) with respect to such coverage in excess of the limits mentioned in section 216.

Defence  
where  
coverage  
under  
ss. 213, 214

(10) Where one or more contracts provide for coverage of a type mentioned in section 213 or 214, except as provided in subsection 12, the insurer may,

- (a) with respect to that type of coverage; and
- (b) as against a claimant,

avail itself of any defence that it is entitled to set up against the insured, notwithstanding subsection 4.

Defence  
where excess  
limits

(11) Where one or more contracts provide for coverage in excess of the limits mentioned in section 216, except as provided in subsection 12, the insurer may,

- (a) with respect to the coverage in excess of those limits; and
- (b) as against a claimant,

avail itself of any defence that it is entitled to set up against the insured, notwithstanding subsection 4.

Defence  
where  
vehicle  
used in  
business of  
carrying  
passengers

(12) Where a contract provides coverage of the type mentioned in clause *a* of section 214 in respect of an automobile operated in the business of carrying passengers for compensation or hire and insured for that purpose, the insurer may,

- (a) with respect to that type of coverage; and

(b) as against a claimant,

only avail itself of a defence that it is entitled to set up against the insured in respect of that part of the coverage, if any, that exceeds,

(c) the limits mentioned in section 216; or

(d) the minimum limits required for that type of coverage by or under any other Act,

whichever is the greater.

(13) The insured shall reimburse the insurer upon demand in the amount that the insurer has paid by reason of this section and that it would not otherwise be liable to pay. Insured's liability to reimburse insurer

(14) Where an insurer denies liability under a contract evidenced by a motor vehicle liability policy, it shall, upon application to the court, be made a third party in any action to which the insured is a party and in which a claim is made against the insured by any party to the action in which it is or might be asserted that indemnity is provided by the contract, whether or not the insured enters an appearance or defence in the action. Insurer may be made third party

(15) Upon being made a third party, the insurer may, Rights of insurer

- (a) contest the liability of the insured to any party claiming against the insured;
- (b) contest the amount of any claim made against the insured;
- (c) deliver any pleadings in respect of the claim of any party claiming against the insured;
- (d) have production and discovery from any party adverse in interest; and
- (e) examine and cross-examine witnesses at the trial,

to the same extent as if it were a defendant in the action.

(16) An insurer may avail itself of subsection 15 notwithstanding that another insurer is defending in the name and on behalf of the insured an action to which its insured is a party. Idem

223.—(1) Every insured against whom an action is commenced for damages occasioned by an automobile shall give notice thereof in writing to the insurer within five days after service of every notice or process in the action. Insured to give notice of action

Insured to  
disclose  
insurance

(2) Every insured against whom an action is commenced for damages occasioned by an automobile shall, upon recovery of a judgment against the insured, disclose to a judgment creditor entitled to the benefit of any motor vehicle liability policy particulars of such contract within ten days after written demand therefor.

#### PHYSICAL DAMAGE COVER

Stipulations  
in physical  
damage  
cover

224. Subject to subsection 1 of section 200, the insurer may provide in a contract such exclusions and limitations, in respect of loss of or damage to or the loss of use of the automobile, as it considers necessary.

Partial pay-  
ment of loss  
clause

225.—(1) A contract or part of a contract providing insurance against loss of or damage to an automobile and the loss of use thereof may contain a clause to the effect that, in the event of loss, the insurer shall pay only,

(a) an agreed portion of any loss that may be sustained;  
or

(b) the amount of the loss after deduction of a sum specified in the policy,

and in either case not exceeding the amount of the insurance.

Stamping  
required

(2) Where a clause is inserted in accordance with subsection 1, there shall be printed or stamped upon the face of the policy in conspicuous type the words: "This policy contains a partial payment of loss clause."

Claims to  
be adjusted  
with  
insured

226.—(1) Where a claim is made under any contract other than a contract evidenced by a motor vehicle liability policy, the insurer shall, notwithstanding any agreement, adjust the amount of the claim with the insured named in the contract as well as with any person having an interest indicated in the contract.

Exception

(2) Where notice is given or proof of loss is made by a person other than the insured, because the insured cannot be located or neglects or refuses or is unable to give notice and make claim under statutory conditions 4 and 7 in section 204, the insurer may, notwithstanding subsection 1 but in any event not earlier than sixty days from delivery of the proof required under clause c of subcondition 1 of said statutory condition 4, adjust and pay the claim to the other person having an interest indicated in the contract.



## LIMITED ACCIDENT INSURANCES

226a.—(1) Where an insurer provides in a contract insurance against loss resulting from bodily injury to or the death of a person insured arising out of an accident involving an automobile where, <sup>Uninsured motorist cover</sup>

- (a) there is legal liability of another person for the injury or death; and
- (b) the other person has no insurance against his liability therefor or that person cannot be identified,

that insurance applies only in respect of,

- (c) any person who sustains bodily injury or death while driving, being carried in or upon or entering or getting on to or alighting from the described automobile in respect of which insurance of the class mentioned in clause *a* of paragraph 7 of section 1 is provided under the contract; and
- (d) the insured named in the contract and his or her spouse and any dependent relative residing in the same dwelling premises as the insured named in the contract who sustains bodily injury or death while driving, being carried in or upon or entering or getting on to or alighting from or as a result of being struck by any other automobile that is defined in the contract for the purposes of that insurance.

(2) The insurance mentioned in subsection 1 does not apply in respect of a person specified therein who has a right of recovery under *The Motor Vehicle Accident Claims Act* or similar legislation of any other province or territory of Canada or of any state or the District of Columbia of the United States of America. <sup>Limited application 1961-62, c. 84</sup>

226b.—(1) Where in a contract an insurer provides insurance against expenses for medical, surgical, dental, ambulance, hospital, professional nursing or funeral services, the insurance applies only in respect of reasonable expenses, <sup>Medical expense coverage</sup>

- (a) of or incurred for any person who sustains bodily injury or death while driving or being carried in or upon or entering or getting on to or alighting from or, if not the occupant of another automobile, as a result of being struck by an automobile owned by the insured named in the contract in respect of which

insurance of the class mentioned in clause *a* of paragraph 7 of section 1 is provided under the contract; and

- (b) of the insured named in the contract and his or her spouse and any dependent relative residing in the same dwelling premises as the insured named in the contract who sustains bodily injury or death while driving or being carried in or upon or entering or getting on to or alighting from or as a result of being struck by any other automobile that is defined in the contract for the purposes of that insurance.

Release by  
claimant

R.S.O. 1960,  
c. 138

(2) Where an insurer makes a payment under a contract of insurance referred to in subsection 1, the payment constitutes, to the extent of such payment, a release by the insured person or his personal representatives of any claim that the insured person or his personal representatives or any person claiming through or under him or by virtue of *The Fatal Accidents Act* may have against the insurer and by any other person who may be liable to the insured person or his personal representatives if that other person is insured under a contract referred to in subsection 1, but nothing in this subsection precludes an insurer from demanding, as a condition precedent to payment, a release to the extent of the payment from the person insured or his personal representatives or any other person.

First loss  
and excess  
insurance

(3) The insurance mentioned in clause *a* of subsection 1 is a first loss insurance, and any other automobile insurance of the same type available to the injured person or in respect of a deceased person is excess insurance only.

Excess  
insurance

(4) The insurance mentioned in clause *a* of subsection 1 is excess insurance to any other insurance not being automobile insurance of the same type indemnifying the injured person or in respect of a deceased person for the expenses.

Idem

(5) The insurance mentioned in clause *b* of subsection 1 is excess insurance to any other insurance indemnifying the injured person or in respect of a deceased person for the expenses.

Accident  
benefits

226c.—(1) Where in a contract an insurer provides accident insurance benefits in respect of the death of or injury to an insured person arising out of an accident involving an automobile, the insurance applies only in respect of,

- (a) any person who sustains bodily injury or death while driving or being carried in or upon or entering or getting on to or alighting from or, if not the occupant



of another automobile, as a result of being struck by an automobile owned by the insured named in the contract in respect of which insurance of the class mentioned in clause *a* of paragraph 7 of section 1 is provided under the contract; and

- (b) the insured named in the contract and his or her spouse and any dependent relative residing in the same dwelling premises as the named insured who sustains bodily injury or death while driving or being carried in or upon or entering or getting on to or alighting from or as a result of being struck by any other automobile that is defined in the policy for the purposes of the insurance.

(2) Where an insurer makes a payment under a contract of insurance to which subsection 1 refers, the payment constitutes, to the extent of such payment, a release by the insured person or his personal representatives of any claim that the insured person or his personal representatives or any person claiming through or under him or by virtue of *The Fatal Accidents Act* may have against the insurer and by any other person who may be liable to the insured person or his personal representatives if that other person is insured under a contract of the same type as is specified in subsection 1, but nothing in this subsection precludes an insurer from demanding, as a condition precedent to payment, a release to the extent of the payment from the person insured or his personal representatives or any other person.

Release by claimant  
R.S.O. 1960, c. 138

(3) Subject to subsection 5, the insurance mentioned in clause *a* of subsection 1 is a first loss insurance, and any other automobile insurance of the same type available to the injured person or in respect of a deceased person is excess insurance only.

First loss and excess insurance

(4) Subject to subsection 5, the insurance mentioned in clause *b* of subsection 1 is excess insurance over any other automobile insurance of the same type available to the injured person or in respect of a deceased person.

Excess insurance

(5) Where a person is entitled to benefits under more than one contract providing insurance of the type mentioned in this section, he or his personal representative or any person claiming through or under him or by virtue of *The Fatal Accidents Act* may recover only an amount equal to,

Limit of benefit payable

- (a) one benefit, if the benefits under the contracts are of the same limit; or

- (b) the highest benefit, if the benefits under the contracts are not of the same limit.

Demand for  
particulars  
of insurance

226d.—(1) Where a person is injured or killed in an accident in Ontario involving an automobile, that person or his personal representative may serve,

- (a) a demand by registered mail on the owner of the automobile; or
- (b) a demand by registered mail on the insurer of the owner of the automobile,

requiring the owner or insurer, as the case may be, to state in writing to the person making the demand whether or not that owner has insurance of the type mentioned in section 226b or 226c, and, where the demand is made under clause a, requiring the owner, if he has such insurance, to state the name of the insurer.

Offence

(2) An owner or insurer who does not, within ten days after receiving a demand made under subsection 1, comply with the demand is guilty of an offence.

Rights of  
unnamed  
insured

226e. Any person insured by but not named in a contract to which section 226b or 226c applies may recover under the contract in the same manner and to the same extent as if named therein as the insured, and for that purpose shall be deemed to be a party to the contract and to have given consideration therefor.

Payment  
into S.C.O.

226f.—(1) Where an insurer admits liability for insurance money payable under section 226a, 226b or 226c and it appears that,

- (a) there are adverse claimants;
- (b) the whereabouts of an insured person entitled is unknown; or
- (c) there is no person capable of giving and authorized to give a valid discharge therefor who is willing to do so,

the insurer may, at any time after thirty days after the date upon which the insurance money becomes payable, apply to the court *ex parte* for an order for payment of the money into the Supreme Court, and the court may upon such notice, if any, as it thinks necessary make an order accordingly.

(2) The receipt of the proper officer of the court is sufficient discharge to the insurer for the insurance money paid into the Supreme Court, and the insurance money shall be dealt with as the court orders. <sup>Discharge of insurer</sup>

226g. Every action or proceeding against an insurer under a contract in respect of insurance provided under section 226a, 226b or 226c shall be commenced within the limitation period specified in the contract, but in no event shall the limitation period be less than one year after the happening of the accident. <sup>Limitation of action</sup>

226h. Where any person makes a claim for damages in respect of bodily injury or death sustained by the person or any other person while driving or being carried in or upon or entering or getting on to or alighting from or as a result of being struck by an automobile, he shall, if required by the person against whom the claim is made or by someone acting on his behalf, furnish to or for that person full particulars of all insurance available to the claimant under contracts falling within the scope of section 226b or 226c, and of any payments of insurance money made or to be made thereunder. <sup>Demand on claimant</sup>

226i. Subject to subsection 1 of section 200, an insurer may in a policy, <sup>Terms of certain insurances</sup>

- (a) provide insurance that is less extensive in scope than the insurance mentioned in section 226a, 226b or 226c; and
- (b) provide the terms of the contract that relate to the insurance mentioned in section 226a, 226b or 226c.

#### OTHER INSURANCE

226j.—(1) Subject to section 220, insurance under a contract evidenced by a valid owner's policy of the kind mentioned in paragraph 44a of section 1 is, in respect of liability arising from or occurring in connection with the ownership, use or operation of an automobile owned by the insured named in the contract and within the description or definition thereof in the policy, a first loss insurance, and insurance attaching under any other valid motor vehicle liability policy is excess insurance only. <sup>Other insurance</sup>

(2) Subject to sections 220, 226b and 226c and to subsection 1 of this section, if the insured named in a contract has or places any other valid insurance, whether against liability for the ownership, use or operation of or against loss of or damage to an automobile or otherwise, of his interest in the subject- <sup>Idem</sup>



matter of the contract or any part thereof, the insurer is liable only for its rateable proportion of any liability, expense, loss or damage.

#### SUBROGATION

**Subrogation**      226*k*.—(1) An insurer who makes any payment or assumes liability therefor under a contract is subrogated to all rights of recovery of the insured against any person and may bring action in the name of the insured to enforce those rights.

**Pro-rating recovery**      (2) Where the net amount recovered whether by action or on settlement is, after deduction of the costs of the recovery, not sufficient to provide complete indemnity for the loss or damage suffered, the amount remaining shall be divided between the insurer and the insured in the proportion in which the loss or damage has been borne by them.

**Action when sec. 225 applies**      (3) Where the interest of an insured in any recovery is limited to the amount provided under a clause in the contract to which section 225 applies, the insurer shall have control of the action.

**Application to S.C.O.**      (4) Where the interest of an insured in any recovery exceeds that referred to in subsection 2 and the insured and the insurer cannot agree as to,

- (a) the solicitors to be instructed to bring the action in the name of the insured;
- (b) the conduct and carriage of the action or any matters pertaining thereto;
- (c) any offer of settlement or the apportionment thereof, whether action has been commenced or not;
- (d) the acceptance of any money paid into court or the apportionment thereof;
- (e) the apportionment of costs; or
- (f) the launching or prosecution of an appeal,

either party may apply to the Supreme Court for the determination of the matters in question, and the court shall make such order as it considers reasonable having regard to the interests of the insured and the insurer in any recovery in the action or proposed action or in any offer of settlement.

(5) On an application under subsection 4, the only parties<sup>Idem</sup> entitled to notice and to be heard thereon are the insured and the insurer, and no material or evidence used or taken upon the application is admissible upon the trial of an action brought by or against the insured or the insurer.

(6) A settlement or release given before or after an action is brought does not bar the rights of the insured or the insurer, as the case may be, unless they have concurred therein.<sup>Concurrence in settlement or release</sup>

**12.** Part VI of *The Insurance Act* as it was in force immediately before the day on which section 11 comes into force continues to apply to contracts of automobile insurance made before the day on which section 11 comes into force until the contract expires or is cancelled or renewed.<sup>Exception of existing contracts</sup>

**13.** Clause *e* of subsection 2 of section 228 of *The Insurance Act* is repealed and the following substituted therefor:<sup>R.S.O. 1960, c. 190, s. 228, subs. 2, cl. e, re-enacted</sup>

(*e*) insurance provided under section 226*a*, 226*b* or 226*c*.

**14.** Section 313 of *The Insurance Act* is repealed and the following substituted therefor:<sup>R.S.O. 1960, c. 190, s. 313, re-enacted</sup>

313. The attorney shall, on or before the 1st day of March in each year, pay to the Treasurer of Ontario for the use of Ontario an annual tax<sup>Annual tax</sup> equal to 2 per cent of the gross premiums or deposits, other than those in respect of re-insurance ceded to the exchange by other insurers, collected from subscribers in respect of risks located in Ontario during the preceding calendar year, after deducting returns for cancellations and all amounts returned to subscribers or credited to their accounts as savings during such year.

**15.** Subsection 2 of section 336 of *The Insurance Act* is repealed.<sup>R.S.O. 1960, c. 190, s. 336, subs. 2, repealed</sup>

**16.** *The Insurance Act* is amended by adding thereto the following section:<sup>R.S.O. 1960, c. 190, amended</sup>

336*a*.—(1) Nothing in this Act prohibits the fixing or charging of a special rate for the insurance of two or more vehicles owned by and registered in the name of the same person, except where the owner is engaged in the business of leasing the vehicles and the vehicles are the subject of a leasing agreement for a period in excess of thirty days.<sup>Where special rate permitted</sup>



Idem

- (2) Nothing in this section prohibits the fixing or charging of a special rate for the insurance of two or more vehicles of a lessor that are rented to the same lessee.

R.S.O. 1960,  
c. 190,  
amended

**17.** *The Insurance Act* is amended by adding thereto the following section:

Transfer of  
contracts  
where  
insurer  
leaves  
Ontario

353. Where under an agreement between an insurer, in this section called the "continuing insurer", and another insurer, in this section called the "retiring insurer", in anticipation of the retiring insurer ceasing to do business in Ontario, the continuing insurer assumes liability under contracts of insurance specified in the agreement issued by the retiring insurer and the retiring insurer ceases to carry on business in Ontario, an insured or other person entitled to rights under those contracts may enforce the rights as though those contracts had been issued by the continuing insurer.

R.S.O. 1960,  
c. 190,  
Sched. B,  
amended

**18.** Schedule B of *The Insurance Act* is amended by striking out "Any action that may be brought or commenced in a division court in respect or on account of this note, or any sum to be assessed thereon, may be brought and commenced against the maker hereof in the division court for the division wherein the head office or any agency of the insurer is located" in the sixteenth to twentieth lines and substituting in lieu thereof the following:

An action that may be brought or commenced in a division court in respect or on account of this note, or any sum to be assessed thereon, may be brought and commenced against the maker hereof in the division court for the division in which the head office or an agency of the insurer is located.

Commence-  
ment

**19.**—(1) This Act, except sections 1, 2, 3 and 7 to 14, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 2, 3 and 7 to 14 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**20.** This Act may be cited as *The Insurance Amendment Act, 1966*.



An Act to amend The Insurance Act

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*1st Reading*

June 8th, 1966

*2nd Reading*

June 17th, 1966

*3rd Reading*

June 28th, 1966

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MR. WISHART

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# **BILL 163**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund**

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**MR. ALLAN**

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BILL 163

1966

## An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as are deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act* for the purpose of such payment, shall not exceed in the aggregate \$400,000,000. <sup>Loans up to \$400,000,000 authorized</sup>

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act. <sup>Idem</sup>

2. Any such sum or sums may be raised in any manner provided by *The Financial Administration Act* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon. <sup>Idem</sup>

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Ontario Loan Act, 1966*.









on the Credit of the Consolidated Revenue  
Fund

---

*1st Reading*

June 8th, 1966

*2nd Reading*

*3rd Reading*

---

MR. ALAN

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## BILL 163

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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### **An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund**

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MR. ALLAN

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BILL 163

1966

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1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as are deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act* for the purpose of such payment, shall not exceed in the aggregate \$400,000,000. <sup>Loans up to \$400,000,000 authorized</sup>

R.S.O. 1960,  
c. 142

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act. <sup>Idem</sup>

2. Any such sum or sums may be raised in any manner provided by *The Financial Administration Act* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon. <sup>Idem</sup>

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Ontario Loan Act, 1966*.









An Act to authorize the Raising of Money  
on the Credit of the Consolidated Revenue  
Fund

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*1st Reading*

June 8th, 1966

*2nd Reading*

June 13th, 1966

*3rd Reading*

June 15th, 1966

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MR. ALLAN

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# **BILL 164**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Agricultural Development Act**

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**MR. ALLAN**

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#### EXPLANATORY NOTE

Owing to the decrease in the volume of work, the administration of this Act is being absorbed into the general operations of the Treasury Department.

## An Act to amend The Agricultural Development Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 2 of subsection 1 of section 19 of *The Agricultural Development Act* is amended by striking out "in the first instance, in payment of salaries and other operating expenses of the Commissioner and then" in the third, fourth and fifth lines, so that the paragraph shall read as follows:

R.S.O. 1960,  
c. 8, s. 19,  
subs. 1,  
par. 2,  
amended

2. The portion of the payment that consists of interest and all other revenue of the Commissioner on account of loans shall be applied to payment of losses written off or sustained on the sale of mortgaged properties and the balance then remaining shall be paid to the Treasurer in payment of interest on debentures issued by the Commissioner.

2. Sections 21 and 22 of *The Agricultural Development Act* are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 8, s. 21,  
re-enacted;  
s. 22,  
repealed

21. The Commissioner shall be assisted in the administration of this Act by such officers and other employees in the public service of Ontario as the Treasurer may assign for the purpose.

Staff

3. Section 23 of *The Agricultural Development Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 8, s. 23,  
re-enacted

23. The Commissioner shall make a report annually to the Treasurer, and the Treasurer shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Annual  
report

Commence-  
ment

**4.** This Act shall be deemed to have come into force on the 1st day of April, 1966.

Short title

**5.** This Act may be cited as *The Agricultural Development Amendment Act, 1966*.









An Act to amend  
The Agricultural Development Act

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*1st Reading*

June 8th, 1966

*2nd Reading*

*3rd Reading*

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MR. ALLAN

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# **BILL 164**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Agricultural Development Act**

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**MR. ALLAN**

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**TORONTO**

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R.S.O. 1960,  
c. 8, s. 19,  
subs. 1,  
par. 2,  
amended

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re-enacted

23. The Commissioner shall make a report annually to the Treasurer, and the Treasurer shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Annual  
report



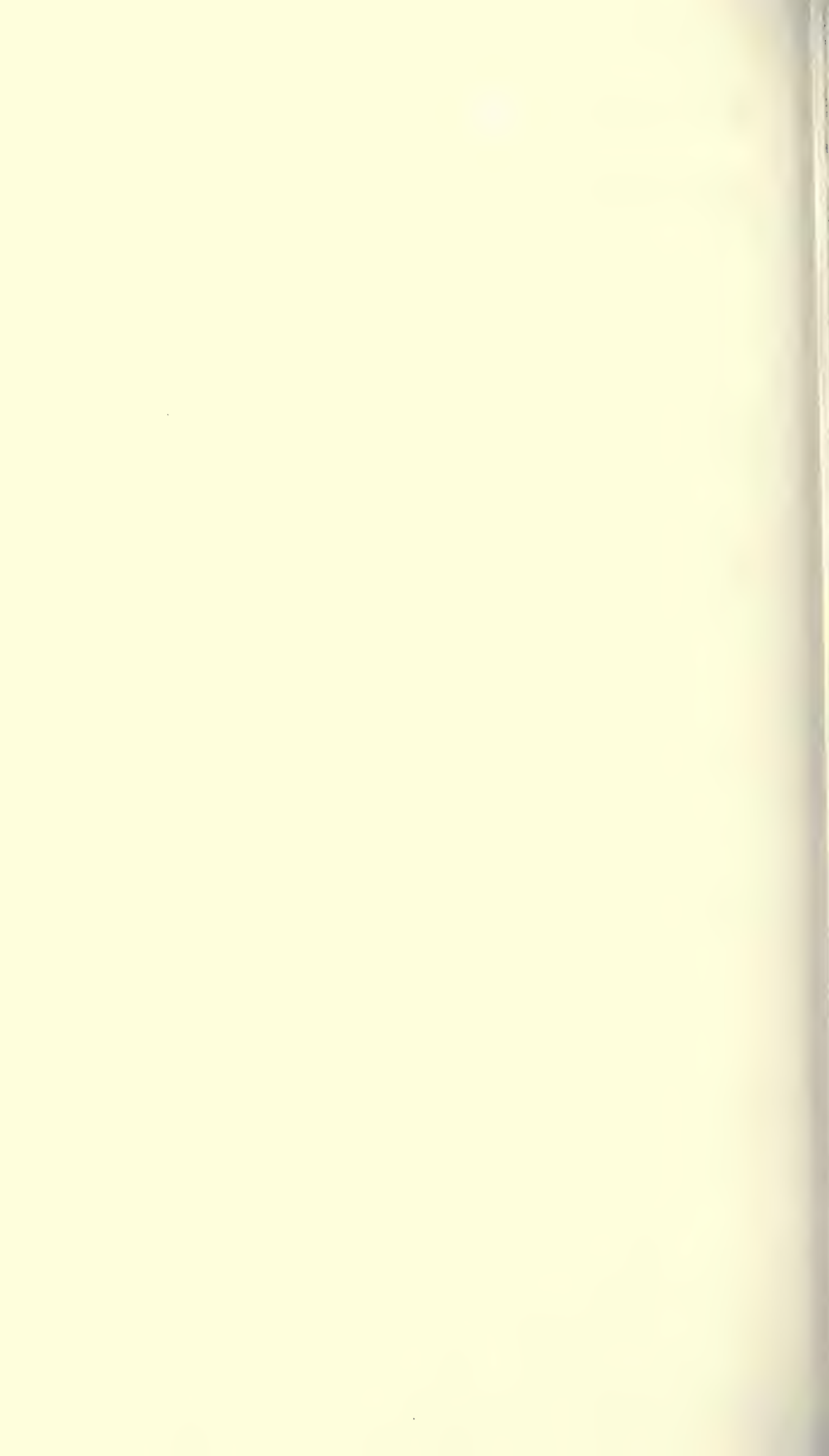
Commence-  
ment

**4.** This Act shall be deemed to have come into force on the 1st day of April, 1966.

Short title

**5.** This Act may be cited as *The Agricultural Development Amendment Act, 1966*.





# Table 1

Summary of the results of the  
analysis of variance

Analysis of Variance for the Fitting Surface to the Data

Source of Variation	Sum of Squares	D.F.	Mean Square	F-Value
Between Groups	10.12	4	2.53	1.12
Within Groups	10.12	16	0.63	
Total	20.24	20		

An Act to amend  
The Agricultural Development Act

---

*1st Reading*

June 8th, 1966

*2nd Reading*

June 13th, 1966

*3rd Reading*

June 15th, 1966

---

MR. ALLAN

---



## **BILL 165**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

---

### **An Act to amend The Public Service Act, 1961-62**

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**MR. ALLAN**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

#### EXPLANATORY NOTES

SECTION 1. The purpose of this section is to bring the Act into line with changes being made in *The Public Service Superannuation Act* with respect to the cessation of contributions to the Public Service Superannuation Fund and the commencement of allowances and annuities.

SECTION 2. The Joint Council is reconstituted.

BILL 165

1966

## An Act to amend The Public Service Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 10 of *The Public Service Act, 1961-62* is amended by striking out “upon attaining” in the first line and inserting in lieu thereof “at the end of the month in which he attains” and by inserting after “until” in the sixth line “the end of the month in which”, so that the subsection shall read as follows:

1961-62,  
c. 121, s. 10,  
subs. 1,  
amended

- (1) Every civil servant shall retire at the end of the month in which he attains the age of sixty-five years, but, where in the opinion of the Commission special circumstances exist and where his deputy minister so requests in writing, he may be re-appointed by the Lieutenant Governor in Council for a period not exceeding one year at a time until the end of the month in which he attains the age of seventy years.

Age of  
retirement

(2) Subsection 2 of the said section 10 is amended by striking out “upon attaining” in the fourth and fifth lines and inserting in lieu thereof “at the end of the month in which he attains”, so that the subsection shall read as follows:

1961-62,  
c. 121, s. 10,  
subs. 2,  
amended

- (2) Notwithstanding subsection 1, every person in the public service on the 1st day of March, 1948, who was more than fifty years of age on that day and who has been in the public service continuously since that day shall retire at the end of the month in which he attains the age of seventy years.

Exception

2.—(1) Subsection 1 of section 19a of *The Public Service Act, 1961-62*, as enacted by section 6 of *The Public Service Amendment Act, 1962-63*, is repealed and the following substituted therefor:

1961-62,  
c. 121, s. 19a  
(1962-63,  
c. 118, s. 6),  
subs. 1,  
re-enacted

Joint  
Council,  
composition

(1) There shall be a Joint Council composed of,

- (a) three Crown employees appointed by the Lieutenant Governor in Council, to be known as the "official side"; and
- (b) three members or two members and one employee or one member and two employees of the Civil Service Association of Ontario appointed by the Lieutenant Governor in Council on the recommendation of the Association, to be known as the "staff side".

1961-62,  
c. 121, s. 19a  
(1962-63,  
c. 118, s. 6),  
subs. 4,  
re-enacted

(2) Subsection 4 of the said section 19a is repealed and the following substituted therefor:

Duties of  
chairman

(4) The chairman of the Joint Council shall,

- (a) convene a meeting of the Joint Council at the request of the official side or of the staff side, or of both of them;
- (b) put on the agenda in accordance with the Rules of the Joint Council at the request of the official side or of the staff side, or of both of them, any matter concerning the terms of employment of Crown employees, including working conditions, remuneration, leaves and hours of work, that is not excluded by the regulations; and

1961-62,  
c. 121, s. 19a  
(1962-63,  
c. 118, s. 6),  
subs. 5, 6,  
repealed

(c) preside at the meeting.

(3) Subsections 5 and 6 of the said section 19a are repealed.

1961-62,  
c. 121, s. 19a  
(1962-63,  
c. 118, s. 6),  
subs. 8,  
re-enacted

(4) Subsection 8 of the said section 19a is repealed and the following substituted therefor:

Agreements

- (8) Every agreement reached by the official side and the staff side of the Joint Council shall be put in writing and three copies thereof signed by the senior member of each side, and one copy thereof shall be delivered to the chairman of the Joint Council who shall forthwith transmit it to the appropriate authority to be implemented.

1961-62,  
c. 121, s. 19b  
(1962-63,  
c. 118, s. 6),  
subs. 1,  
re-enacted

**3.**—(1) Subsection 1 of section 19b of *The Public Service Act, 1961-62*, as enacted by section 6 of *The Public Service Amendment Act, 1962-63*, is repealed and the following substituted therefor:

SECTION 3. The referral to a mediator of matters upon which agreement cannot be reached in the Joint Council is new.





- (1) If the two sides of the Joint Council are unable to reach agreement upon any matter, the chairman shall refer the matter to the Minister of Labour who may, within fifteen days thereafter, appoint a mediator to confer with representatives of the two sides and endeavour to bring about agreement upon the matter. Reference to mediator
- (1a) If the Minister of Labour does not appoint a mediator within the fifteen days mentioned in subsection 1 or if the mediator is unable to bring about agreement, the chairman of the Joint Council shall refer the matter to the Civil Service Arbitration Board who shall, after a hearing, decide the matter. Reference to Civil Service Arbitration Board
- (2) Subsection 3 of the said section 19b is amended by striking out "appropriate authority to be implemented" in the third line and inserting in lieu thereof "chairman of the Joint Council who shall forthwith transmit it to the appropriate authority to be implemented", so that the subsection shall read as follows: 1961-62, c. 121, s. 19b (1962-63, c. 118, s. 6), subs. 3, amended
- (3) Every decision of the Civil Service Arbitration Board shall be signed by the chairman, and he shall transmit it to the chairman of the Joint Council who shall forthwith transmit it to the appropriate authority to be implemented. Decisions
4. This Act comes into force on the day it receives Royal Assent. Commencement
5. This Act may be cited as *The Public Service Amendment Act, 1966*. Short title

An Act to amend  
The Public Service Act, 1961-62

---

*1st Reading*

June 8th, 1966

*2nd Reading*

*3rd Reading*

---

MR. ALLAN

---

# **BILL 165**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

---

## **An Act to amend The Public Service Act, 1961-62**

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**MR. ALLAN**

---





BILL 165

1966

**An Act to amend  
The Public Service Act, 1961-62**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 10 of *The Public Service Act, 1961-62* is amended by striking out “upon attaining” in the first line and inserting in lieu thereof “at the end of the month in which he attains” and by inserting after “until” in the sixth line “the end of the month in which”, so that the subsection shall read as follows:

1961-62,  
c. 121, s. 10,  
subs. 1,  
amended

- (1) Every civil servant shall retire at the end of the month in which he attains the age of sixty-five years, but, where in the opinion of the Commission special circumstances exist and where his deputy minister so requests in writing, he may be re-appointed by the Lieutenant Governor in Council for a period not exceeding one year at a time until the end of the month in which he attains the age of seventy years.

Age of  
retirement

(2) Subsection 2 of the said section 10 is amended by striking out “upon attaining” in the fourth and fifth lines and inserting in lieu thereof “at the end of the month in which he attains”, so that the subsection shall read as follows:

1961-62,  
c. 121, s. 10,  
subs. 2,  
amended

- (2) Notwithstanding subsection 1, every person in the public service on the 1st day of March, 1948, who was more than fifty years of age on that day and who has been in the public service continuously since that day shall retire at the end of the month in which he attains the age of seventy years.

Exception

**2.**—(1) Subsection 1 of section 19a of *The Public Service Act, 1961-62*, as enacted by section 6 of *The Public Service Amendment Act, 1962-63*, is repealed and the following substituted therefor:

1961-62,  
c. 121, s. 19a  
(1962-63,  
c. 118, s. 6),  
subs. 1,  
re-enacted

Joint  
Council,  
composition

(1) There shall be a Joint Council composed of,

- (a) three Crown employees appointed by the Lieutenant Governor in Council, to be known as the "official side"; and
- (b) three members or two members and one employee or one member and two employees of the Civil Service Association of Ontario appointed by the Lieutenant Governor in Council on the recommendation of the Association, to be known as the "staff side".

1961-62,  
c. 121, s. 19a  
(1962-63,  
c. 118, s. 6),  
subs. 4,  
re-enacted

(2) Subsection 4 of the said section 19a is repealed and the following substituted therefor:

Duties of  
chairman

(4) The chairman of the Joint Council shall,

- (a) convene a meeting of the Joint Council at the request of the official side or of the staff side, or of both of them;
- (b) put on the agenda in accordance with the Rules of the Joint Council at the request of the official side or of the staff side, or of both of them, any matter concerning the terms of employment of Crown employees, including working conditions, remuneration, leaves and hours of work, that is not excluded by the regulations; and

1961-62,  
c. 121, s. 19a  
(1962-63,  
c. 118, s. 6),  
subs. 5, 6,  
repealed

(c) preside at the meeting.

(3) Subsections 5 and 6 of the said section 19a are repealed.

1961-62,  
c. 121, s. 19a  
(1962-63,  
c. 118, s. 6),  
subs. 8,  
re-enacted

(4) Subsection 8 of the said section 19a is repealed and the following substituted therefor:

Agreements

- (8) Every agreement reached by the official side and the staff side of the Joint Council shall be put in writing and three copies thereof signed by the senior member of each side, and one copy thereof shall be delivered to the chairman of the Joint Council who shall forthwith transmit it to the appropriate authority to be implemented.

1961-62,  
c. 121, s. 19b  
(1962-63,  
c. 118, s. 6),  
subs. 1,  
re-enacted

**3.—**(1) Subsection 1 of section 19b of *The Public Service Act, 1961-62*, as enacted by section 6 of *The Public Service Amendment Act, 1962-63*, is repealed and the following substituted therefor:

- (1) If the two sides of the Joint Council are unable to reach agreement upon any matter, the chairman shall refer the matter to the Minister of Labour who may, within fifteen days thereafter, appoint a mediator to confer with representatives of the two sides and endeavour to bring about agreement upon the matter. Reference to mediator
- (1a) If the Minister of Labour does not appoint a mediator within the fifteen days mentioned in subsection 1 or if the mediator is unable to bring about agreement, the chairman of the Joint Council shall refer the matter to the Civil Service Arbitration Board who shall, after a hearing, decide the matter. Reference to Civil Service Arbitration Board
- (2) Subsection 3 of the said section 19b is amended by striking out "appropriate authority to be implemented" in the third line and inserting in lieu thereof "chairman of the Joint Council who shall forthwith transmit it to the appropriate authority to be implemented", so that the subsection shall read as follows: 1961-62, c. 121, c. 19b (1962-63, c. 118, s. 6), subs. 3, amended
- (3) Every decision of the Civil Service Arbitration Board shall be signed by the chairman, and he shall transmit it to the chairman of the Joint Council who shall forthwith transmit it to the appropriate authority to be implemented. Decisions
4. This Act comes into force on the day it receives Royal Assent. Commencement
5. This Act may be cited as *The Public Service Amendment Act, 1966*. Short title







An Act to amend  
The Public Service Act, 1961-62

---

*1st Reading*

June 8th, 1966

*2nd Reading*

June 13th, 1966

*3rd Reading*

June 15th, 1966

---

MR. ALLAN

---

# **BILL 166**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

---

## **An Act to amend The Children's Institutions Act, 1962-63**

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**MR. CECILE**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

#### EXPLANATORY NOTE

The amendments extend the costs recognized for grant purposes to include costs of services for children not resident in the institution. The grants are also increased from 75 per cent of costs to 80 per cent of costs.

BILL 166

1966

## An Act to amend The Children's Institutions Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7, as re-enacted by section 3 of *The Children's Institutions Amendment Act, 1965*, and section 8 of *The Children's Institutions Act, 1962-63* are repealed and the following substituted therefor: 1962-63,  
c. 14, s. 7  
(1965,  
c. 15, s. 3);  
re-enacted;  
s. 8,  
repealed

7. There shall be paid to an approved corporation out of the moneys appropriated therefor by the Legislature an amount equal to 80 per cent of the cost to the corporation, computed in accordance with the regulations, of services provided by a children's institution that is maintained and operated by the corporation for children who are resident in Ontario as determined by the regulations and have not been committed to the care of a children's aid society under *The Child Welfare Act, 1965* or any predecessor thereof. Subsidy  
for  
operating  
and  
maintenance  
costs  
  
1965, c. 14

2.—(1) Clause *g* of section 11 of *The Children's Institutions Act, 1962-63* is repealed and the following substituted therefor: 1962-63,  
c. 14, s. 11,  
cl. *g*,  
re-enacted

(*g*) determining residence for the purposes of section 7.

(2) Clause *l* of the said section 11, as re-enacted by subsection 2 of section 4 of *The Children's Institutions Amendment Act, 1965*, is repealed and the following substituted therefor: 1962-63,  
c. 14, s. 11,  
cl. *l*  
(1965,  
c. 15, s. 4,  
subs. 2),  
re-enacted

(*l*) prescribing the manner of computing the cost of services provided for children by a children's institution for the purposes of section 7.

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

4. This Act may be cited as *The Children's Institutions Amendment Act, 1966*. Short title

An Act to amend  
The Children's Institutions Act, 1962-63

---

*1st Reading*

June 9th, 1966

*2nd Reading*

*3rd Reading*

---

MR. CECILE

---



# **BILL 166**

---

4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

---

## **An Act to amend The Children's Institutions Act, 1962-63**

---

MR. CECILE

---



BILL 166

1966

## An Act to amend The Children's Institutions Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7, as re-enacted by section 3 of *The Children's Institutions Amendment Act, 1965*, and section 8 of *The Children's Institutions Act, 1962-63* are repealed and the following substituted therefor: 1962-63,  
c. 14, s. 7  
(1965,  
c. 15, s. 3),  
re-enacted;  
s. 8,  
repealed

7. There shall be paid to an approved corporation out of the moneys appropriated therefor by the Legislature an amount equal to 80 per cent of the cost to the corporation, computed in accordance with the regulations, of services provided by a children's institution that is maintained and operated by the corporation for children who are resident in Ontario as determined by the regulations and have not been committed to the care of a children's aid society under *The Child Welfare Act, 1965* or any predecessor thereof. Subsidy  
for  
operating  
and  
maintenance  
costs  
  
1965, c. 14

2.—(1) Clause g of section 11 of *The Children's Institutions Act, 1962-63* is repealed and the following substituted therefor: 1962-63,  
c. 14, s. 11,  
cl. g,  
re-enacted

(g) determining residence for the purposes of section 7.

(2) Clause l of the said section 11, as re-enacted by subsection 2 of section 4 of *The Children's Institutions Amendment Act, 1965*, is repealed and the following substituted therefor: 1962-63,  
c. 14, s. 11,  
cl. l  
(1965,  
c. 15, s. 4,  
subs. 2),  
re-enacted

(l) prescribing the manner of computing the cost of services provided for children by a children's institution for the purposes of section 7.

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

4. This Act may be cited as *The Children's Institutions Amendment Act, 1966*. Short title

An Act to amend  
The Children's Institutions Act, 1962-63

---

*1st Reading*

June 9th, 1966

*2nd Reading*

June 22nd, 1966

*3rd Reading*

June 29th, 1966

---

MR. CECILE

---

# **BILL 167**

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

## **An Act to amend The District Welfare Administration Boards Act, 1962-63**

**MR. CECILE**

**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**



#### EXPLANATORY NOTES

SECTIONS 1, 2 and 4. The amendments permit the areas served by a district welfare administration board to be defined as other than complete territorial districts.

SECTION 3. The new provision permits a municipality to continue to administer its welfare services through the board after it is erected into a city.

BILL 167

1966

## An Act to amend The District Welfare Administration Boards Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The District Welfare Administration Boards Act, 1962-63* is repealed and the following substituted therefor: 1962-63,  
c. 37, s. 1,  
cl. c,  
re-enacted

(c) "district" means an area in that part of Ontario forming the territorial districts as defined by the regulations.

(2) Subclause iv of clause *g* of the said section 1 is repealed and the following substituted therefor: 1962-63,  
c. 37, s. 1,  
cl. g,  
subcl. iv,  
re-enacted

(iv) expenditures for the operating costs of children's aid societies.

2. Section 2 of *The District Welfare Administration Boards Act, 1962-63* is repealed and the following substituted therefor: 1962-63,  
c. 37, s. 2,  
re-enacted

2. This Act applies to the towns, villages, townships and improvement districts in each district, but a municipality having a population of more than 15,000 may by by-law, subject to the approval of the Minister, exempt itself from the application of this Act. Application

3. *The District Welfare Administration Boards Act, 1962-63* is amended by adding thereto the following section: 1962-63,  
c. 37,  
amended

4a. Where a municipality that is included in the municipalities for which a board is established is erected into a city, the city may, at the request of the council and with the approval of the Minister, continue to be a municipality to which this Act applies. Where  
municipality  
erected  
into city

1962-63,  
c. 37, s. 9,  
amended

**4.** Section 9 of *The District Welfare Administration Boards Act, 1962-63* is amended by adding thereto the following clause:

(aa) defining districts for the purposes of clause c of section 1.

Commence-  
ment

**5.** This Act comes into force on the 1st day of September, 1966.

Short title

**6.** This Act may be cited as *The District Welfare Administration Boards Amendment Act, 1966*.









An Act to amend The District Welfare  
Administration Boards Act, 1962-63

---

*1st Reading*

June 9th, 1966

*2nd Reading*

*3rd Reading*

---

MR. CECILE

---

# **BILL 167**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

---

## **An Act to amend The District Welfare Administration Boards Act, 1962-63**

---

**MR. CECILE**

---



BILL 167

1966

## An Act to amend The District Welfare Administration Boards Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The District Welfare Administration Boards Act, 1962-63* is repealed and the following substituted therefor: 1962-63,  
c. 37, s. 1,  
cl. *c*,  
re-enacted

(*c*) "district" means an area in that part of Ontario forming the territorial districts as defined by the regulations.

(2) Subclause *iv* of clause *g* of the said section 1 is repealed and the following substituted therefor: 1962-63,  
c. 37, s. 1,  
cl. *g*,  
subcl. *iv*,  
re-enacted

(*iv*) expenditures for the operating costs of children's aid societies.

2. Section 2 of *The District Welfare Administration Boards Act, 1962-63* is repealed and the following substituted therefor: 1962-63,  
c. 37, s. 2,  
re-enacted

2. This Act applies to the towns, villages, townships and improvement districts in each district, but a municipality having a population of more than 15,000 may by by-law, subject to the approval of the Minister, exempt itself from the application of this Act. Application

3. *The District Welfare Administration Boards Act, 1962-63* is amended by adding thereto the following section: 1962-63,  
c. 37,  
amended

4a. Where a municipality that is included in the municipalities for which a board is established is erected into a city, the city may, at the request of the council and with the approval of the Minister, continue to be a municipality to which this Act applies. Where  
municipality  
erected  
into city



1962-63,  
c. 37, s. 9,  
amended

**4.** Section 9 of *The District Welfare Administration Boards Act, 1962-63* is amended by adding thereto the following clause:

(aa) defining districts for the purposes of clause c of section 1.

Commence-  
ment

**5.** This Act comes into force on the 1st day of September, 1966.

Short title

**6.** This Act may be cited as *The District Welfare Administration Boards Amendment Act, 1966*.







---

*1st Reading*

June 9th, 1966

*2nd Reading*

June 22nd, 1966

*3rd Reading*

June 29th, 1966

---

MR. CECILE

---



# **BILL 168**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

---

## **An Act to revise The Homes for Retarded Children Act, 1962-63 and to extend its Scope**

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**MR. CECILE**

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#### EXPLANATORY NOTE

The purpose of this Bill is to up-date *The Homes for Retarded Children Act, 1962-63* in the light of experience and to extend the scope of the Act so that it applies to homes for retarded persons, regardless of age.

The present system of Provincial grants for the construction and acquisition of homes for retarded persons is continued. Provincial grants for the maintenance and operation of homes for retarded persons are increased from 75% to 80%.

BILL 168

1966

## An Act to revise The Homes for Retarded Children Act, 1962-63 and to extend its Scope

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "approved corporation" means a corporation approved under section 2;
- (b) "approved home" means a home for retarded persons approved under section 3;
- (c) "corporation" means a corporation incorporated under the laws of Ontario without share capital and with objects of a charitable nature;
- (d) "home for retarded persons" means a building maintained and operated by an approved corporation for the residential accommodation of retarded persons, but does not include,
  - (i) a children's institution under *The Children's Institutions Act, 1962-63*, R.S.O. 1960, c. 14
  - (ii) a charitable institution under *The Charitable Institutions Act, 1962-63*, R.S.O. 1960, c. 11
  - (iii) a children's boarding home that is registered under *The Children's Boarding Homes Act*, R.S.O. 1960, c. 54
  - (iv) a hospital under *The Children's Mental Hospitals Act*, R.S.O. 1960, c. 56
  - (v) a home, institution or other place of accommodation provided by a children's aid society under *The Child Welfare Act, 1965*, 1965, c. 14

- R.S.O. 1960,  
c. 87 (vi) a day nursery established and operated under *The Day Nurseries Act*,
- R.S.O. 1960,  
c. 231 (vii) a house that is registered under *The Maternity Boarding Houses Act*,
- R.S.O. 1960,  
c. 236 (viii) an institution under *The Mental Hospitals Act*,
- R.S.O. 1960,  
c. 305 (ix) a private hospital under *The Private Hospitals Act*,
- R.S.O. 1960,  
c. 307 (x) a sanitarium under *The Private Sanitaria Act*,
- R.S.O. 1960,  
c. 315 (xi) a psychiatric hospital under *The Psychiatric Hospitals Act*,
- R.S.O. 1960,  
c. 322 (xii) a hospital under *The Public Hospitals Act*,
- R.S.O. 1960,  
c. 359 (xiii) a sanatorium under *The Sanatoria for Consumptives Act*;
- (e) "Minister" means the Minister of Public Welfare;
- (f) "provincial supervisor" means a child welfare supervisor or a welfare institutions supervisor, and includes any other employee of the Department of Public Welfare who is designated by the Minister as a provincial supervisor for the purposes of this Act;
- (g) "regulations" means the regulations made under this Act;
- (h) "residential accommodation" means accommodation for the board and lodging of retarded persons;
- (i) "retarded person" means a person who is incapable of development beyond that of a child of normal mentality at eight years of age as verified by objective psychological and medical findings. 1962-63, c. 57, s. 1, *amended*.

Approval of  
cor-  
porations

**2.** The Lieutenant Governor in Council may approve any corporation for the purposes of this Act. 1962-63, c. 57, s. 2, *amended*.

Approval of  
homes

**3.** The Lieutenant Governor in Council may approve any home for retarded persons for the purposes of this Act. 1962-63, c. 57, s. 3, *amended*.



**4.—(1)** No approved corporation shall,

Prohibitions

- (a) maintain and operate any home for retarded persons until the home has been approved under section 3;
- (b) change its corporate name under *The Corporations Act* or the name of any approved home maintained and operated by it without the approval in writing of the Minister; R.S.O. 1960,  
c. 71
- (c) erect a new building to be maintained and operated as a home for retarded persons until the site and plans thereof have been approved in writing by the Minister or erect an addition to an existing building to be maintained and operated as a home for retarded persons until the plans thereof are approved in writing by the Minister;
- (d) purchase or otherwise acquire any building to be maintained and operated as a home for retarded persons without the approval in writing of the Minister; or
- (e) change the site of, sell or otherwise dispose of any part of, or structurally alter, any approved home in respect of which the approved corporation has received payment of a grant under section 5 or 6 without the approval in writing of the Minister.

(2) No by-law of an approved corporation with respect to an approved home has effect until it is approved in writing by the Minister. 1962-63, c. 57, s. 4, *amended*. By-laws

**5.** When the site and plans of a new building or the plans of an addition to an existing building to be maintained and operated or maintained and operated, as the case may be, as a home for retarded persons have been approved by the Minister under clause *c* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the approved corporation erecting the new building or the addition of an amount equal to the cost to the approved corporation of the new building or the addition, but not exceeding an amount based upon the bed capacity of the new building or the addition at the rate of \$5,000 per bed. 1965, c. 47, s. 1, *amended*. Construction grants

**6.** When the acquisition of a building to be maintained and operated as a home for retarded persons has been approved by the Minister under clause *d* of subsection 1 of section 4, Acquisition grants



the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the approved corporation acquiring the building of an amount equal to the cost to the approved corporation of the acquisition, but not exceeding an amount based on the bed capacity of the building at the rate of \$1,200 per bed. 1965, c. 47, s. 6, *amended*.

Grants for  
residential  
accommoda-  
tion only

**7.** In computing the cost to an approved corporation of erecting a new building or an addition to an existing building under section 5 or of acquiring a building under section 6, the computation shall include only expenditures directly referable to the establishment or provision of residential accommodation for retarded persons and shall be computed in accordance with the regulations. 1962-63, c. 57, s. 7, *amended*.

Maintenance  
and  
operating  
grants

**8.** Subject to section 9, there shall be paid to an approved corporation, out of the moneys appropriated therefor by the Legislature, an amount equal to 80 per cent of the cost to the approved corporation, computed in accordance with the regulations, of providing residential accommodation for the persons who are residing in an approved home that is maintained and operated by the approved corporation and who have not been committed to the care of a children's aid society under *The Child Welfare Act*, 1965 or any predecessor thereof. 1965, c. 47, s. 3, *amended*.

1965, c. 14

Residence

**9.** An amount shall not be paid under section 8 in respect of a retarded person unless the retarded person or the person in whose charge he is are residents of Ontario as determined by the regulations. 1962-63, c. 57, s. 9, *amended*.

Inspection  
of approved  
homes

**10.**—(1) A provincial supervisor shall be given access to and inspect every approved home, and shall examine the books of account and any other records of the approved home at least once each year, but he shall be given access to and may inspect any such approved home or examine the books of account and the other records at any time.

Idem,  
approved  
corporations

(2) A provincial supervisor shall be given access to any approved corporation's books of account and other records that pertain to its approved homes and he may inspect such books of account and other records at any time. 1962-63, c. 57, s. 10, *amended*.

Suspension  
and  
revocation  
of approvals

**11.** Any approval given under this Act may be suspended by the Minister or revoked by the Lieutenant Governor in Council at any time. 1962-63, c. 57, s. 11.

**12.** The Lieutenant Governor in Council may make regulations, <sup>Regulations</sup>  
tions,

- (a) specifying the corporations and the homes for retarded persons that are approved for the purposes of this Act;
- (b) prescribing rules governing approved homes and the conduct of the persons residing therein and the staffs thereof;
- (c) governing the admission of retarded persons to approved homes and the kinds of services that are to be provided therein;
- (d) prescribing the qualifications and duties of the members of the staffs of approved homes;
- (e) requiring and prescribing medical and other related or ancillary services that are to be provided for the persons residing in approved homes;
- (f) determining residence for the purposes of section 9;
- (g) governing applications by approved corporations for payments under this Act, and prescribing the method, time and manner of payment;
- (h) prescribing the manner of computing costs to approved corporations for the purposes of sections 7 and 8;
- (i) prescribing the records to be kept by approved corporations and approved homes, the claims and returns to be made to the Minister by approved corporations and the method, time and manner in which such claims and returns shall be made, and providing penalties for late claims or returns;
- (j) providing for the recovery by an approved corporation or the Province from the person or persons in whose charge a retarded person is or from the estate of such person or persons of any amount paid by the approved corporation or by the Province to the approved corporation for the cost of the residential accommodation of the person in an approved home, and prescribing the circumstances and the manner in which any such recovery may be made;

(k) prescribing additional duties of provincial supervisors;

(l) prescribing forms and providing for their use;

(m) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1962-63, c. 57, s. 12, *amended*.

1962-63,  
c. 57;  
1965, c. 47,  
repealed

**13.** *The Homes for Retarded Children Act, 1962-63 and The Homes for Retarded Children Amendment Act, 1965* are repealed.

Commence-  
ment

**14.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**15.** This Act may be cited as *The Homes for Retarded Persons Act, 1966*.









AN ACT to revise the Homes for Retarded  
Children Act, 1962-63 and to extend its  
Scope

---

*1st Reading*

June 9th, 1966

*2nd Reading*

*3rd Reading*

---

MR. CECILE

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# BILL 168

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## An Act to revise The Homes for Retarded Children Act, 1962-63 and to extend its Scope

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MR. CECILE

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*(Reprinted as amended by the Committee of the Whole House)*

#### EXPLANATORY NOTE

The purpose of this Bill is to up-date *The Homes for Retarded Children Act, 1962-63* in the light of experience and to extend the scope of the Act so that it applies to homes for retarded persons, regardless of age.

The present system of Provincial grants for the construction and acquisition of homes for retarded persons is continued. Provincial grants for the maintenance and operation of homes for retarded persons are increased from 75% to 80%.

BILL 168

1966

## An Act to revise The Homes for Retarded Children Act, 1962-63 and to extend its Scope

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "approved corporation" means a corporation approved under section 2;
- (b) "approved home" means a home for retarded persons approved under section 3;
- (c) "corporation" means a corporation incorporated under the laws of Ontario without share capital and with objects of a charitable nature;
- (d) "home for retarded persons" means a building maintained and operated by an approved corporation for the residential accommodation of retarded persons, but does not include,
  - (i) a children's institution under *The Children's Institutions Act, 1962-63*,<sup>1962-63, c. 14</sup>
  - (ii) a charitable institution under *The Charitable Institutions Act, 1962-63*,<sup>1962-63, c. 11</sup>
  - (iii) a children's boarding home that is registered under *The Children's Boarding Homes Act*,<sup>R.S.O. 1960, c. 54</sup>
  - (iv) a hospital under *The Children's Mental Hospitals Act*,<sup>R.S.O. 1960, c. 56</sup>
  - (v) a home, institution or other place of accommodation provided by a children's aid society under *The Child Welfare Act, 1965*,<sup>1965, c. 14</sup>



- R.S.O. 1960  
c. 87 (vi) a day nursery established and operated under *The Day Nurseries Act*,
- R.S.O. 1960,  
c. 231 (vii) a house that is registered under *The Maternity Boarding Houses Act*,
- R.S.O. 1960,  
c. 236 (viii) an institution under *The Mental Hospitals Act*,
- R.S.O. 1960,  
c. 305 (ix) a private hospital under *The Private Hospitals Act*,
- R.S.O. 1960,  
c. 307 (x) a sanitarium under *The Private Sanitaria Act*,
- R.S.O. 1960,  
c. 315 (xi) a psychiatric hospital under *The Psychiatric Hospitals Act*,
- R.S.O. 1960,  
c. 322 (xii) a hospital under *The Public Hospitals Act*,
- R.S.O. 1960,  
c. 359 (xiii) a sanatorium under *The Sanatoria for Consumptives Act*;

(e) "Minister" means the Minister of Public Welfare;

(f) "provincial supervisor" means a child welfare supervisor or a welfare institutions supervisor, and includes any other employee of the Department of Public Welfare who is designated by the Minister as a provincial supervisor for the purposes of this Act;

(g) "regulations" means the regulations made under this Act;

(h) "residential accommodation" means accommodation for the board and lodging of retarded persons;

(i) "retarded person" means a person in whom there is a condition of arrested or incomplete development of the mind as verified by objective psychological or medical findings, and whose best interests would be served by admission to an approved home. 1962-63, c. 57, s. 1, *amended*.

Approval  
of cor-  
porations

**2.** The Lieutenant Governor in Council may approve any corporation for the purposes of this Act. 1962-63, c. 57, s. 2, *amended*.

Approval of  
homes

**3.** The Lieutenant Governor in Council may approve any home for retarded persons for the purposes of this Act. 1962-63, c. 57, s. 3, *amended*.

## 4.—(1) No approved corporation shall,

Prohibitions

- (a) maintain and operate any home for retarded persons until the home has been approved under section 3;
- (b) change its corporate name under *The Corporations Act* or the name of any approved home maintained and operated by it without the approval in writing of the Minister; R.S.O. 1960,  
c. 71
- (c) erect a new building to be maintained and operated as a home for retarded persons until the site and plans thereof have been approved in writing by the Minister or erect an addition to an existing building to be maintained and operated as a home for retarded persons until the plans thereof are approved in writing by the Minister;
- (d) purchase or otherwise acquire any building to be maintained and operated as a home for retarded persons without the approval in writing of the Minister; or
- (e) change the site of, sell or otherwise dispose of any part of, or structurally alter, any approved home in respect of which the approved corporation has received payment of a grant under section 5 or 6 without the approval in writing of the Minister.

(2) No by-law of an approved corporation with respect to an approved home has effect until it is approved in writing by the Minister. 1962-63, c. 57, s. 4, *amended*. By-laws

5. When the site and plans of a new building or the plans of an addition to an existing building to be maintained and operated or maintained and operated, as the case may be, as a home for retarded persons have been approved by the Minister under clause *c* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the approved corporation erecting the new building or the addition of an amount equal to the cost to the approved corporation of the new building or the addition, but not exceeding an amount based upon the bed capacity of the new building or the addition at the rate of \$5,000 per bed. 1965, c. 47, s. 1, *amended*. Construction grants

6. When the acquisition of a building to be maintained and operated as a home for retarded persons has been approved by the Minister under clause *d* of subsection 1 of section 4, Acquisition grants

the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the approved corporation acquiring the building of an amount equal to the cost to the approved corporation of the acquisition, but not exceeding an amount based on the bed capacity of the building at the rate of \$1,200 per bed. 1965, c. 47, s. 6, *amended*.

Grants for  
residential  
accommoda-  
tion only

**7.** In computing the cost to an approved corporation of erecting a new building or an addition to an existing building under section 5 or of acquiring a building under section 6, the computation shall include only expenditures directly referable to the establishment or provision of residential accommodation for retarded persons and shall be computed in accordance with the regulations. 1962-63, c. 57, s. 7, *amended*.

Maintenance  
and  
operating  
grants

**8.** Subject to section 9, there shall be paid to an approved corporation, out of the moneys appropriated therefor by the Legislature, an amount equal to 80 per cent of the cost to the approved corporation, computed in accordance with the regulations, of providing residential accommodation for the persons who are residing in an approved home that is maintained and operated by the approved corporation and who have not been committed to the care of a children's aid society under *The Child Welfare Act*, 1965 or any predecessor thereof. 1965, c. 47, s. 3, *amended*.

1965, c. 14

Residence

**9.** An amount shall not be paid under section 8 in respect of a retarded person unless the retarded person or the person in whose charge he is are residents of Ontario as determined by the regulations. 1962-63, c. 57, s. 9, *amended*.

Inspection  
of approved  
homes

**10.—(1)** A provincial supervisor shall be given access to and inspect every approved home, and shall examine the books of account and any other records of the approved home at least once each year, but he shall be given access to and may inspect any such approved home or examine the books of account and the other records at any time.

Idem,  
approved  
corporations

**(2)** A provincial supervisor shall be given access to any approved corporation's books of account and other records that pertain to its approved homes and he may inspect such books of account and other records at any time. 1962-63, c. 57, s. 10, *amended*.

Suspension  
and  
revocation  
of approvals

**11.** Any approval given under this Act may be suspended by the Minister or revoked by the Lieutenant Governor in Council at any time. 1962-63, c. 57, s. 11.



**12.** The Lieutenant Governor in Council may make regula- ~~Regulations~~  
tions,

- (a) specifying the corporations and the homes for retarded persons that are approved for the purposes of this Act;
- (b) prescribing rules governing approved homes and the conduct of the persons residing therein and the staffs thereof;
- (c) governing the admission of retarded persons to approved homes and the kinds of services that are to be provided therein;
- (d) prescribing the qualifications and duties of the members of the staffs of approved homes;
- (e) requiring and prescribing medical and other related or ancillary services that are to be provided for the persons residing in approved homes;
- (f) determining residence for the purposes of section 9;
- (g) governing applications by approved corporations for payments under this Act, and prescribing the method, time and manner of payment;
- (h) prescribing the manner of computing costs to approved corporations for the purposes of sections 7 and 8;
- (i) prescribing the records to be kept by approved corporations and approved homes, the claims and returns to be made to the Minister by approved corporations and the method, time and manner in which such claims and returns shall be made, and providing penalties for late claims or returns;
- (j) providing for the recovery by an approved corporation or the Province from the person or persons in whose charge a retarded person is or from the estate of such person or persons of any amount paid by the approved corporation or by the Province to the approved corporation for the cost of the residential accommodation of the person in an approved home, and prescribing the circumstances and the manner in which any such recovery may be made;

- (k) prescribing additional duties of provincial supervisors;
- (l) prescribing forms and providing for their use;
- (m) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1962-63, c. 57, s. 12, *amended*.

1962-63,  
c. 57;  
1965, c. 47,  
repealed

**13.** *The Homes for Retarded Children Act, 1962-63 and The Homes for Retarded Children Amendment Act, 1965* are repealed.

Commence-  
ment

**14.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**15.** This Act may be cited as *The Homes for Retarded Persons Act, 1966*.









an Act to revise the Homes for Retarded  
Children Act, 1962-63 and to extend its  
Scope

---

*1st Reading*

June 9th, 1966

*2nd Reading*

June 22nd, 1966

*3rd Reading*

---

MR. CECILE

---

*(Reprinted as amended by the Committee  
of the Whole House)*

# **BILL 168**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

---

## **An Act to revise The Homes for Retarded Children Act, 1962-63 and to extend its Scope**

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**MR. CECILE**

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BILL 168

1966

## An Act to revise The Homes for Retarded Children Act, 1962-63 and to extend its Scope

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "approved corporation" means a corporation approved under section 2;
- (b) "approved home" means a home for retarded persons approved under section 3;
- (c) "corporation" means a corporation incorporated under the laws of Ontario without share capital and with objects of a charitable nature;
- (d) "home for retarded persons" means a building maintained and operated by an approved corporation for the residential accommodation of retarded persons, but does not include,
  - (i) a children's institution under *The Children's Institutions Act, 1962-63*,<sup>1962-63, c. 14</sup>
  - (ii) a charitable institution under *The Charitable Institutions Act, 1962-63*,<sup>1962-63, c. 11</sup>
  - (iii) a children's boarding home that is registered under *The Children's Boarding Homes Act*,<sup>R.S.O. 1960, c. 54</sup>
  - (iv) a hospital under *The Children's Mental Hospitals Act*,<sup>R.S.O. 1960, c. 56</sup>
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c. 87 (vi) a day nursery established and operated under *The Day Nurseries Act*,
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c. 231 (vii) a house that is registered under *The Maternity Boarding Houses Act*,
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c. 236 (viii) an institution under *The Mental Hospitals Act*,
- R.S.O. 1960,  
c. 305 (ix) a private hospital under *The Private Hospitals Act*,
- R.S.O. 1960,  
c. 307 (x) a sanitarium under *The Private Sanitaria Act*,
- R.S.O. 1960,  
c. 315 (xi) a psychiatric hospital under *The Psychiatric Hospitals Act*,
- R.S.O. 1960,  
c. 322 (xii) a hospital under *The Public Hospitals Act*,
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c. 359 (xiii) a sanatorium under *The Sanatoria for Consumptives Act*;

- (e) "Minister" means the Minister of Public Welfare;
- (f) "provincial supervisor" means a child welfare supervisor or a welfare institutions supervisor, and includes any other employee of the Department of Public Welfare who is designated by the Minister as a provincial supervisor for the purposes of this Act;
- (g) "regulations" means the regulations made under this Act;
- (h) "residential accommodation" means accommodation for the board and lodging of retarded persons;
- (i) "retarded person" means a person in whom there is a condition of arrested or incomplete development of the mind as verified by objective psychological or medical findings, and whose best interests would be served by admission to an approved home. 1962-63, c. 57, s. 1, *amended*.

Approval  
of cor-  
porations

**2.** The Lieutenant Governor in Council may approve any corporation for the purposes of this Act. 1962-63, c. 57, s. 2, *amended*.

Approval of  
homes

**3.** The Lieutenant Governor in Council may approve any home for retarded persons for the purposes of this Act. 1962-63, c. 57, s. 3, *amended*.

**4.—(1)** No approved corporation shall,

Prohibitions

- (a) maintain and operate any home for retarded persons until the home has been approved under section 3;
- (b) change its corporate name under *The Corporations Act* or the name of any approved home maintained and operated by it without the approval in writing of the Minister; R.S.O. 1960,  
c. 71
- (c) erect a new building to be maintained and operated as a home for retarded persons until the site and plans thereof have been approved in writing by the Minister or erect an addition to an existing building to be maintained and operated as a home for retarded persons until the plans thereof are approved in writing by the Minister;
- (d) purchase or otherwise acquire any building to be maintained and operated as a home for retarded persons without the approval in writing of the Minister; or
- (e) change the site of, sell or otherwise dispose of any part of, or structurally alter, any approved home in respect of which the approved corporation has received payment of a grant under section 5 or 6 without the approval in writing of the Minister.

(2) No by-law of an approved corporation with respect to an approved home has effect until it is approved in writing by the Minister. By-laws 1962-63, c. 57, s. 4, *amended*.

**5.** When the site and plans of a new building or the plans of an addition to an existing building to be maintained and operated or maintained and operated, as the case may be, as a home for retarded persons have been approved by the Minister under clause *c* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the approved corporation erecting the new building or the addition of an amount equal to the cost to the approved corporation of the new building or the addition, but not exceeding an amount based upon the bed capacity of the new building or the addition at the rate of \$5,000 per bed. 1965, c. 47, s. 1, *amended*. Construction grants

**6.** When the acquisition of a building to be maintained and operated as a home for retarded persons has been approved by the Minister under clause *d* of subsection 1 of section 4, Acquisition grants



the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the approved corporation acquiring the building of an amount equal to the cost to the approved corporation of the acquisition, but not exceeding an amount based on the bed capacity of the building at the rate of \$1,200 per bed. 1965, c. 47, s. 6, *amended*.

Grants for  
residential  
accommoda-  
tion only

**7.** In computing the cost to an approved corporation of erecting a new building or an addition to an existing building under section 5 or of acquiring a building under section 6, the computation shall include only expenditures directly referable to the establishment or provision of residential accommodation for retarded persons and shall be computed in accordance with the regulations. 1962-63, c. 57, s. 7, *amended*.

Maintenance  
and  
operating  
grants

**8.** Subject to section 9, there shall be paid to an approved corporation, out of the moneys appropriated therefor by the Legislature, an amount equal to 80 per cent of the cost to the approved corporation, computed in accordance with the regulations, of providing residential accommodation for the persons who are residing in an approved home that is maintained and operated by the approved corporation and who have not been committed to the care of a children's aid society under *The Child Welfare Act, 1965* or any predecessor thereof. 1965, c. 47, s. 3, *amended*.

1965, c. 14

Residence

**9.** An amount shall not be paid under section 8 in respect of a retarded person unless the retarded person or the person in whose charge he is are residents of Ontario as determined by the regulations. 1962-63, c. 57, s. 9, *amended*.

Inspection  
of approved  
homes

**10.—(1)** A provincial supervisor shall be given access to and inspect every approved home, and shall examine the books of account and any other records of the approved home at least once each year, but he shall be given access to and may inspect any such approved home or examine the books of account and the other records at any time.

Idem,  
approved  
corporations

**(2)** A provincial supervisor shall be given access to any approved corporation's books of account and other records that pertain to its approved homes and he may inspect such books of account and other records at any time. 1962-63, c. 57, s. 10, *amended*.

Suspension  
and  
revocation  
of approvals

**11.** Any approval given under this Act may be suspended by the Minister or revoked by the Lieutenant Governor in Council at any time. 1962-63, c. 57, s. 11.



**12.** The Lieutenant Governor in Council may make regulations, Regulations  
tions,

- (a) specifying the corporations and the homes for retarded persons that are approved for the purposes of this Act;
- (b) prescribing rules governing approved homes and the conduct of the persons residing therein and the staffs thereof;
- (c) governing the admission of retarded persons to approved homes and the kinds of services that are to be provided therein;
- (d) prescribing the qualifications and duties of the members of the staffs of approved homes;
- (e) requiring and prescribing medical and other related or ancillary services that are to be provided for the persons residing in approved homes;
- (f) determining residence for the purposes of section 9;
- (g) governing applications by approved corporations for payments under this Act, and prescribing the method, time and manner of payment;
- (h) prescribing the manner of computing costs to approved corporations for the purposes of sections 7 and 8;
- (i) prescribing the records to be kept by approved corporations and approved homes, the claims and returns to be made to the Minister by approved corporations and the method, time and manner in which such claims and returns shall be made, and providing penalties for late claims or returns;
- (j) providing for the recovery by an approved corporation or the Province from the person or persons in whose charge a retarded person is or from the estate of such person or persons of any amount paid by the approved corporation or by the Province to the approved corporation for the cost of the residential accommodation of the person in an approved home, and prescribing the circumstances and the manner in which any such recovery may be made;

- (k) prescribing additional duties of provincial supervisors;
- (l) prescribing forms and providing for their use;
- (m) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1962-63, c. 57, s. 12, *amended*.

1962-63,  
c. 57;  
1965, c. 47,  
repealed

**13.** *The Homes for Retarded Children Act, 1962-63 and The Homes for Retarded Children Amendment Act, 1965* are repealed.

Commence-  
ment

**14.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**15.** This Act may be cited as *The Homes for Retarded Persons Act, 1966*.









An Act to revise The Homes for Retarded  
Children Act, 1962-63 and to extend its  
Scope

---

*1st Reading*

June 9th, 1966

*2nd Reading*

June 22nd, 1966

*3rd Reading*

June 29th, 1966

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MR. CECILE

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# **BILL 169**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Planning Act**

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**MR. SPOONER**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

#### EXPLANATORY NOTES

SECTION 1. The amendment makes it clear that, when a member of a planning board becomes a member of the municipal council, he thereby ceases to be a member of the planning board, but is eligible to be appointed as a member of council subject to subsection 3, which provides that members of council shall not constitute a majority of the members of a planning board.

SECTION 2—Subsection 1. The amendment is to make it clear that each parcel of land remaining in the grantor shall be at least ten acres in area.

Subsection 2. The amendment is proposed to clarify that consent can be given to the act of conveying, mortgaging, etc., rather than only to the actual conveyance, mortgage, etc. Also, subclause ii is amended to refer only to a committee of adjustment with approved rules of procedure. Under subsection 12 of section 32a, a committee of adjustment is prohibited from hearing any matter until its rules of procedure have been approved.

BILL 169

1966

## An Act to amend The Planning Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Planning Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 296, s. 4,  
amended

(5a) When a member of a planning board becomes a member of a municipal council, he ceases to be a member of the planning board, but is eligible to be appointed annually subject to subsection 3. When  
member  
elected to  
council

2.—(1) Clause *c* of subsection 1 of section 26 of *The Planning Act*, as re-enacted by subsection 1 of section 1 of *The Planning Amendment Act, 1960-61*, is amended by striking out "the" where it occurs the second time in the first line and inserting in lieu thereof "each parcel of", so that the clause shall read as follows: R.S.O. 1960,  
c. 296, s. 26  
(1960-61,  
c. 76, s. 1,  
subs. 1),  
subs. 1,  
cl. *c*,  
amended

(c) the land is ten acres or more in area and each parcel of land remaining in the grantor, mortgagor or vendor abutting on the land conveyed or otherwise dealt with is also ten acres or more in area; or

(2) Clause *e* of subsection 1 of the said section 26, as re-enacted by subsection 1 of section 1 of *The Planning Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 296, s. 26,  
subs. 1,  
cl. *e*  
(1964,  
c. 90, s. 1,  
subs. 1),  
re-enacted

(e) the consent,

(i) of the committee of adjustment of the municipality under subsection 2a of section 32b, unless the area was designated by order of the Minister under clause *b* of subsection 1 of section 27, or

- (ii) where there is no committee of adjustment with approved rules of procedure or where the area was designated by order of the Minister under clause *b* of subsection 1 of section 27, of the Minister,

is given to convey, mortgage, charge or enter into an agreement with respect to the land.

R.S.O. 1960,  
c. 296, s. 26,  
subs. 3,  
cl. *c*  
(1964,  
c. 90, s. 1,  
subs. 2),  
re-enacted

- (3) Clause *c* of subsection 3 of the said section 26, as re-enacted by subsection 2 of section 1 of *The Planning Amendment Act, 1964*, is repealed and the following substituted therefor:

- (c) the consent,

- (i) of the committee of adjustment of the municipality under subsection 2*a* of section 32*b*, unless the area was designated by order of the Minister under clause *b* of subsection 1 of section 27, or

- (ii) where there is no committee of adjustment with approved rules of procedure or where the area was designated by order of the Minister under clause *b* of subsection 1 of section 27, of the Minister,

is given to convey, mortgage, charge or enter into an agreement with respect to the land.

R.S.O. 1960,  
c. 296, s. 26,  
subs. 3*a*  
(1962-63,  
c. 105, s. 6),  
re-enacted

- (4) Subsection 3*a* of the said section 26, as enacted by section 6 of *The Planning Amendment Act, 1962-63* and amended by subsection 3 of section 1 of *The Planning Amendment Act, 1964*, is repealed and the following substituted therefor:

Consent to  
lapse after  
one year

- (3*a*) Any consent mentioned in subsection 1 or 3 hereafter granted shall lapse at the expiration of one year after the date upon which the consent was granted unless within such period the land in respect of which the consent was granted was sold, mortgaged or charged or an agreement was entered into for the sale or purchase of such land or that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more, provided that the Minister or the committee of adjustment, as the case may be, in granting the consent may provide for an earlier lapsing of the consent.



Subsection 3. See note to subsection 1.

Subsection 4. The period within which a consent lapses is increased from six months to one year, provided that the Minister or committee of adjustment in granting consent may provide for an earlier lapsing of the consent.

Subsection 5. The Minister in granting a consent may impose the same conditions as may be imposed by the Minister on approving a plan of subdivision. If a condition is imposed providing for the conveyance of land to the municipality for public purposes, the Minister may by this amendment authorize a cash payment in lieu of the conveyance.

Subsection 6. A committee of adjustment and the Minister, in granting consents, have the same power to impose conditions as the Minister has in imposing conditions on the approval of a plan of subdivision. One of the conditions that may be imposed is that the owner of the land enter into one or more agreements with the municipality dealing with such matters as the Minister may consider necessary, including the provision of municipal services. The amendment is to make it clear that municipalities have authority to enter into such agreements.

SECTION 3. This subsection empowers the committee of adjustment and, where there is no committee of adjustment, the local planning board to approve the use of land covered by a zoning by-law for certain purposes that may be considered hazardous. The subsection does not serve any useful purpose as the use of all lands in a municipality can be fully dealt with under subsection 1 of section 30.

SECTION 4. The subsection at present requires that all records of the committee be retained in the office of the secretary-treasurer. This requirement is deleted and will enable storage elsewhere, but the records will still be available for inspection by reason of the reference to section 216 of *The Municipal Act*.

SECTION 5—Subsection 1. The provision is repealed because the same relief can be granted as a minor variance under subsection 1 as the committee must be satisfied that what is proposed is in keeping with the general intent and purposes of the by-law and of the official plan, if any.

(5) Subsection 13 of the said section 26, as re-enacted by subsection 4 of section 1 of *The Planning Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 296, s. 26,  
subs. 13  
(1964,  
c. 90, s. 1,  
subs. 4),  
re-enacted

(13) The Minister, in determining whether a consent is to be given under this section, shall have regard to the matters that are to be had regard to under subsection 4 of section 28 and has the same powers with respect to a consent as he has to an approval of a plan of subdivision under subsections 5 and 8 of section 28, and may require that any or all conditions imposed be fulfilled prior to the granting of a consent.

Matters to  
be regarded  
by Minister  
in determin-  
ing consent

(14) Where the Minister has imposed a condition that land be conveyed for public purposes other than highways, any land so conveyed may be sold by the municipality at any time without the approval of the Minister, and subsection 10 of section 28 applies to moneys received in lieu of the conveyance of such land as authorized by the Minister and to moneys received from the sale of such land.

Special  
account

(6) The said section 26, as amended by section 6 of *The Planning Amendment Act, 1962-63* and section 1 of *The Planning Amendment Act, 1964*, is further amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 296, s. 26  
(1960-61,  
c. 76, s. 1,  
subs. 1),  
amended

(16) Every municipality may enter into agreements imposed by the Minister or by a committee of adjustment as a condition to the granting of a consent.

Agreements

3. Subsection 3 of section 30 of *The Planning Act*, as amended by section 3 of *The Planning Amendment Act, 1964*, is repealed.

R.S.O. 1960,  
c. 296, s. 30,  
subs. 3,  
repealed

4. Subsection 11 of section 32a of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act, 1961-62*, is amended by striking out "in his office" in the first line, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 296, s. 32a  
(1961-62,  
c. 104, s. 8),  
subs. 11,  
amended

(11) The secretary-treasurer shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 216 of *The Municipal Act* applies *mutatis mutandis* to such documents.

Filing of  
documents,  
etc.

R.S.O. 1960,  
c. 249

5.—(1) Subsection 2 of section 32b of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act, 1961-62*, is amended by adding "or" at the end of clause a and by striking out clause b.

R.S.O. 1960,  
c. 296, s. 32b  
(1961-62,  
c. 104, s. 8),  
subs. 2,  
amended

R.S.O. 1960,  
c. 296, s. 32b,  
subs. 9a  
(1964,  
c. 90, s. 6,  
subs. 3),  
re-enacted

(2) Subsection 9a of the said section 32b, as enacted by subsection 3 of section 6 of *The Planning Amendment Act, 1964*, is repealed and the following substituted therefor:

Matters to  
be regarded  
by com-  
mittee in  
determining  
consent

(9a) The committee, in determining whether a consent is to be given under subsection 2a, shall have regard to the matters that are to be had regard to under subsection 4 of section 28 and has the same powers with respect to a consent as the Minister has to an approval of a plan of subdivision under subsections 5 and 8 of section 28, and may require that any or all conditions imposed be fulfilled prior to the granting of a consent, and, in exercising its powers under subsections 5 and 8 of section 28, the reference to the Minister in such subsections 5 and 8 shall be deemed to be a reference to the committee.

Special  
account

(9b) Where the committee has imposed a condition that land be conveyed for public purposes other than highways, any land so conveyed may be sold by the municipality at any time without the approval of the committee, and subsection 10 of section 28 applies to moneys received in lieu of the conveyance of such land as authorized by the committee and to moneys received from the sale of such land.

R.S.O. 1960,  
c. 296, s. 32b,  
subs. 10  
(1962-63,  
c. 105, s. 12,  
subs. 2),  
amended

(3) Subsection 10 of the said section 32b, as re-enacted by subsection 2 of section 12 of *The Planning Amendment Act, 1962-63*, is amended by striking out "registered" in the first line, so that the subsection shall read as follows:

Notice of  
decision

(10) The secretary-treasurer shall send by mail one copy of the decision, certified by him, to the Minister, to the applicant and to each person who appeared in person or by counsel at the hearing and who filed with the secretary-treasurer a written request for notice of the decision, together with a notice of the last day for appealing to the Municipal Board.

R.S.O. 1960,  
c. 296, s. 32b,  
(1961-62,  
c. 104, s. 8),  
subs. 11,  
re-enacted

(4) Subsection 11 of the said section 32b, as amended by subsection 3 of section 12 of *The Planning Amendment Act, 1962-63* and subsection 4 of section 6 of *The Planning Amendment Act, 1964*, is repealed and the following substituted therefor:

Additional  
material

(11) The secretary-treasurer shall also send to the Minister, when he sends the notice under subsection 10, the following:

1. A copy of the application to the committee certified by the secretary-treasurer.

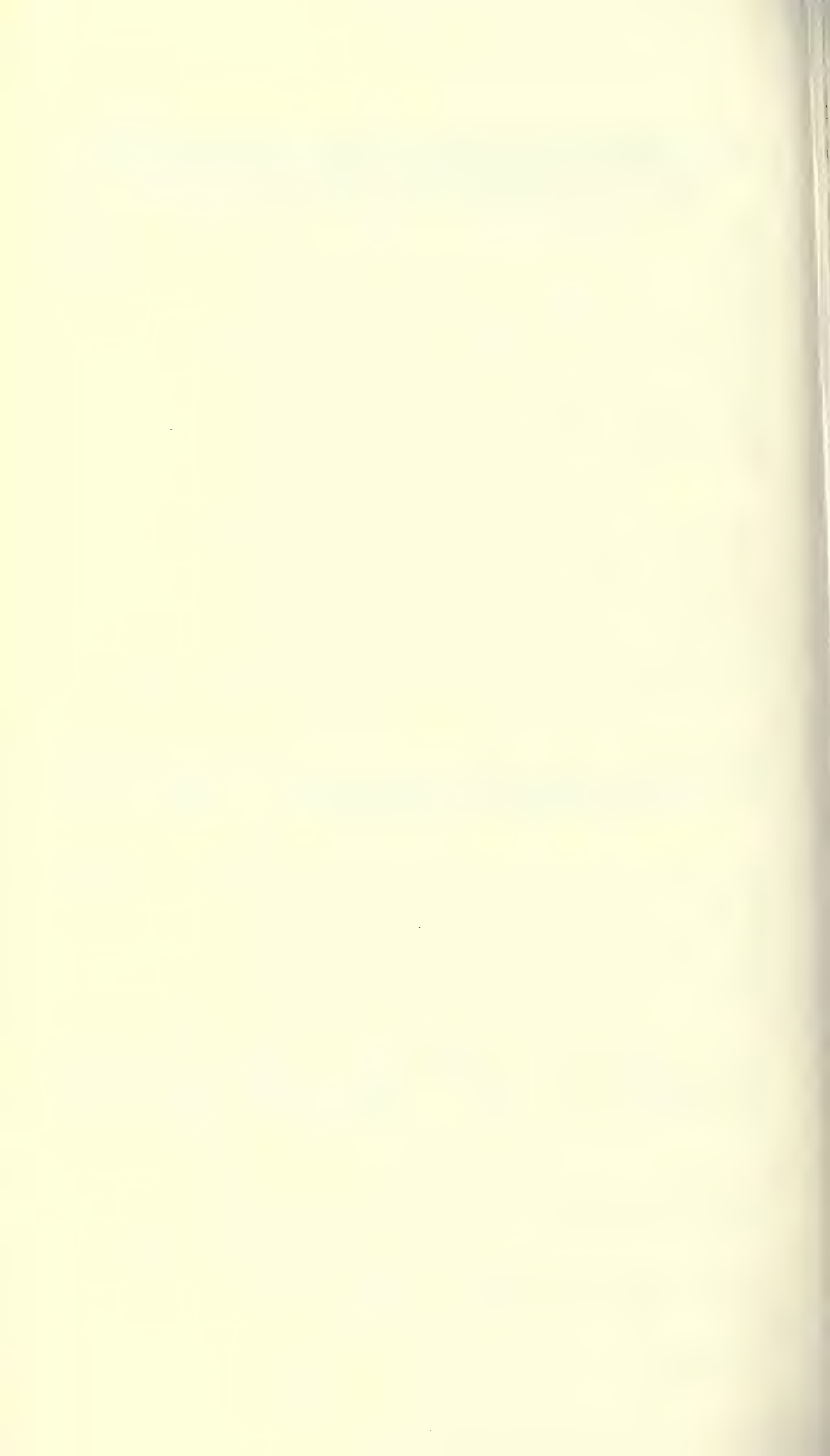


Subsection 2. A committee of adjustment in granting a consent may impose the same conditions as the Minister may impose on the approval of a plan of subdivision. If a condition is imposed providing for the conveyance of land for public purposes, the committee may by this amendment authorize a cash payment in lieu of the conveyance.

Subsection 3. At present, the copy of the decision and the notice for the last day of appealing must be sent by registered mail. The amendment will permit them to be sent by ordinary mail.

Subsection 4. The provision requiring additional material to be sent with the notice of the last day for appeal is revised and brought up to date.





2. A copy of the draft minutes of the hearing by the committee as prepared for adoption by the committee.
3. A copy of all maps or sketches that were before the committee on the hearing of the application and that show the land, building or structure that was the subject-matter of the application.
4. A sworn declaration by the secretary-treasurer that he has complied with the requirements of subsection 10.

**6.**—(1) This Act, except section 3, comes into force on the day it receives Royal Assent. <sup>Commence-</sup><sub>ment</sub>

(2) Section 3 comes into force on the 1st day of July, 1967. <sup>Idem</sup>

**7.** This Act may be cited as *The Planning Amendment Act*, <sup>Short title</sup> 1966.

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*1st Reading*

June 9th, 1966

*2nd Reading*

*3rd Reading*

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MR. SPOONER

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# **BILL 169**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Planning Act**

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**MR. SPOONER**

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## An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Planning Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 296, s. 4,  
amended

(5a) When a member of a planning board becomes a member of a municipal council, he ceases to be a member of the planning board, but is eligible to be appointed annually subject to subsection 3. When  
member  
elected to  
council

2.—(1) Clause *c* of subsection 1 of section 26 of *The Planning Act*, as re-enacted by subsection 1 of section 1 of *The Planning Amendment Act, 1960-61*, is amended by striking out "the" where it occurs the second time in the first line and inserting in lieu thereof "each parcel of", so that the clause shall read as follows: R.S.O. 1960,  
c. 296, s. 26  
(1960-61,  
c. 76, s. 1,  
subs. 1),  
subs. 1,  
cl. c,  
amended

(c) the land is ten acres or more in area and each parcel of land remaining in the grantor, mortgagor or vendor abutting on the land conveyed or otherwise dealt with is also ten acres or more in area; or

(2) Clause *e* of subsection 1 of the said section 26, as re-enacted by subsection 1 of section 1 of *The Planning Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 296, s. 26,  
subs. 1,  
cl. e  
(1964,  
c. 90, s. 1,  
subs. 1),  
re-enacted

(e) the consent,

(i) of the committee of adjustment of the municipality under subsection 2a of section 32b, unless the area was designated by order of the Minister under clause *b* of subsection 1 of section 27, or

- (ii) where there is no committee of adjustment with approved rules of procedure or where the area was designated by order of the Minister under clause *b* of subsection 1 of section 27, of the Minister,

is given to convey, mortgage, charge or enter into an agreement with respect to the land.

R.S.O. 1960,  
c. 296, s. 26,  
subs. 3,  
cl. *c*  
(1964,  
c. 90, s. 1,  
subs. 2),  
re-enacted

- (3) Clause *c* of subsection 3 of the said section 26, as re-enacted by subsection 2 of section 1 of *The Planning Amendment Act, 1964*, is repealed and the following substituted therefor:

- (c) the consent,

- (i) of the committee of adjustment of the municipality under subsection 2*a* of section 32*b*, unless the area was designated by order of the Minister under clause *b* of subsection 1 of section 27, or

- (ii) where there is no committee of adjustment with approved rules of procedure or where the area was designated by order of the Minister under clause *b* of subsection 1 of section 27, of the Minister,

is given to convey, mortgage, charge or enter into an agreement with respect to the land.

R.S.O. 1960,  
c. 296, s. 26,  
subs. 3*a*,  
(1962-63,  
c. 105, s. 6),  
re-enacted

- (4) Subsection 3*a* of the said section 26, as enacted by section 6 of *The Planning Amendment Act, 1962-63* and amended by subsection 3 of section 1 of *The Planning Amendment Act, 1964*, is repealed and the following substituted therefor:

Consent to  
lapse after  
one year

- (3*a*) Any consent mentioned in subsection 1 or 3 hereafter granted shall lapse at the expiration of one year after the date upon which the consent was granted unless within such period the land in respect of which the consent was granted was sold, mortgaged or charged or an agreement was entered into for the sale or purchase of such land or that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more, provided that the Minister or the committee of adjustment, as the case may be, in granting the consent may provide for an earlier lapsing of the consent.

(5) Subsection 13 of the said section 26, as re-enacted by subsection 4 of section 1 of *The Planning Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 296, s. 26,  
subs. 13  
(1964,  
c. 90, s. 1,  
subs. 4),  
re-enacted

(13) The Minister, in determining whether a consent is to be given under this section, shall have regard to the matters that are to be had regard to under subsection 4 of section 28 and has the same powers with respect to a consent as he has to an approval of a plan of subdivision under subsections 5 and 8 of section 28, and may require that any or all conditions imposed be fulfilled prior to the granting of a consent.

Matters to  
be regarded  
by Minister  
in determin-  
ing consent

(14) Where the Minister has imposed a condition that land be conveyed for public purposes other than highways, any land so conveyed may be sold by the municipality at any time without the approval of the Minister, and subsection 10 of section 28 applies to moneys received in lieu of the conveyance of such land as authorized by the Minister and to moneys received from the sale of such land.

Special  
account

(6) The said section 26, as amended by section 6 of *The Planning Amendment Act, 1962-63* and section 1 of *The Planning Amendment Act, 1964*, is further amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 296, s. 26  
(1960-61,  
c. 76, s. 1,  
subs. 1),  
amended

(16) Every municipality may enter into agreements imposed by the Minister or by a committee of adjustment as a condition to the granting of a consent.

Agreements

**3.** Subsection 3 of section 30 of *The Planning Act*, as amended by section 3 of *The Planning Amendment Act, 1964*, is repealed.

R.S.O. 1960,  
c. 296, s. 30,  
subs. 3,  
repealed

**4.** Subsection 11 of section 32a of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act, 1961-62*, is amended by striking out "in his office" in the first line, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 296, s. 32a  
(1961-62,  
c. 104, s. 8),  
subs. 11,  
amended

(11) The secretary-treasurer shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 216 of *The Municipal Act* applies *mutatis mutandis* to such documents.

Filing of  
documents,  
etc.

R.S.O. 1960,  
c. 249

**5.—(1)** Subsection 2 of section 32b of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act, 1961-62*, is amended by adding "or" at the end of clause a and by striking out clause b.

R.S.O. 1960,  
c. 296, s. 32b  
(1961-62,  
c. 104, s. 8),  
subs. 2,  
amended



R.S.O. 1960,  
c. 296, s. 32b,  
subs. 9a  
(1964,  
c. 90, s. 6,  
subs. 3),  
re-enacted

(2) Subsection 9a of the said section 32b, as enacted by subsection 3 of section 6 of *The Planning Amendment Act, 1964*, is repealed and the following substituted therefor:

Matters to  
be regarded  
by com-  
mittee in  
determining  
consent

(9a) The committee, in determining whether a consent is to be given under subsection 2a, shall have regard to the matters that are to be had regard to under subsection 4 of section 28 and has the same powers with respect to a consent as the Minister has to an approval of a plan of subdivision under subsections 5 and 8 of section 28, and may require that any or all conditions imposed be fulfilled prior to the granting of a consent, and, in exercising its powers under subsections 5 and 8 of section 28, the reference to the Minister in such subsections 5 and 8 shall be deemed to be a reference to the committee.

Special  
account

(9b) Where the committee has imposed a condition that land be conveyed for public purposes other than highways, any land so conveyed may be sold by the municipality at any time without the approval of the committee, and subsection 10 of section 28 applies to moneys received in lieu of the conveyance of such land as authorized by the committee and to moneys received from the sale of such land.

R.S.O. 1960,  
c. 296, s. 32b,  
subs. 10  
(1962-63,  
c. 105, s. 12,  
subs. 2),  
amended

(3) Subsection 10 of the said section 32b, as re-enacted by subsection 2 of section 12 of *The Planning Amendment Act, 1962-63*, is amended by striking out "registered" in the first line, so that the subsection shall read as follows:

Notice of  
decision

(10) The secretary-treasurer shall send by mail one copy of the decision, certified by him, to the Minister, to the applicant and to each person who appeared in person or by counsel at the hearing and who filed with the secretary-treasurer a written request for notice of the decision, together with a notice of the last day for appealing to the Municipal Board.

R.S.O. 1960,  
c. 296, s. 32b,  
(1961-62,  
c. 104, s. 8),  
subs. 11,  
re-enacted

(4) Subsection 11 of the said section 32b, as amended by subsection 3 of section 12 of *The Planning Amendment Act, 1962-63* and subsection 4 of section 6 of *The Planning Amendment Act, 1964*, is repealed and the following substituted therefor:

Additional  
material

(11) The secretary-treasurer shall also send to the Minister, when he sends the notice under subsection 10, the following:

1. A copy of the application to the committee certified by the secretary-treasurer.

2. A copy of the draft minutes of the hearing by the committee as prepared for adoption by the committee.
3. A copy of all maps or sketches that were before the committee on the hearing of the application and that show the land, building or structure that was the subject-matter of the application.
4. A sworn declaration by the secretary-treasurer that he has complied with the requirements of subsection 10.

**6.**—(1) This Act, except section 3, comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

(2) Section 3 comes into force on the 1st day of July, 1967. <sup>Idem</sup>

**7.** This Act may be cited as *The Planning Amendment Act, 1966*. <sup>Short title</sup>



An Act to amend The Planning Act

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*1st Reading*

June 9th, 1966

*2nd Reading*

June 14th, 1966

*3rd Reading*

June 29th, 1966

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MR. SPOONER

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# **BILL 170**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Negligence Act**

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**MR. WISHART**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

#### EXPLANATORY NOTE

This Bill is complementary to the Bill amending *The Highway Traffic Act* to permit gratuitous passengers to recover in damages in the event of a motor vehicle accident where the loss or damage was caused or contributed to by the gross negligence of the driver of the motor vehicle.

BILL 170

1966

## An Act to amend The Negligence Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 2 of *The Negligence Act* <sup>R.S.O. 1960, c. 261, s. 2, subs. 2, amended</sup> is amended by inserting after “driver” in the eleventh line “except, subject to subsection 3, where such portion of the loss or damage was caused by the gross negligence of the driver of the motor vehicle”, so that the subsection shall read as follows:

- (2) In any action brought for any loss or damage resulting from bodily injury to, or the death of any person being carried in, or upon, or entering, or getting on to, or alighting from a motor vehicle other than a vehicle operated in the business of carrying passengers for compensation, and the owner or driver of the motor vehicle that the injured or deceased person was being carried in, or upon, or entering, or getting on to, or alighting from is one of the persons found to be at fault or negligent, no damages are, and no contribution or indemnity is, recoverable for the portion of the loss or damage caused by the fault or negligence of such owner or driver except, subject to subsection 3, where such portion of the loss or damage was caused by the gross negligence of the driver of the motor vehicle, and the portion of the loss or damage so caused by the fault or negligence of such owner or driver shall be determined although such owner or driver is not a party to the action. <sup>Where plaintiff is passenger</sup>

(2) Subsection 1 applies only to loss or damage resulting from bodily injury to or the death of any person caused by the gross negligence of a driver of a motor vehicle on or after the day this section comes into force. <sup>Application of subs. 1</sup>

Commence-  
ment

**2.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**3.** This Act may be cited as *The Negligence Amendment Act, 1966*.









An Act to amend The Negligence Act

---

*1st Reading*

June 9th, 1966

*2nd Reading*

*3rd Reading*

---

MR. WISHART

---

# **BILL 170**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Negligence Act**

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**MR. WISHART**

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BILL 170

1966

## An Act to amend The Negligence Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 2 of *The Negligence Act* is amended by inserting after “driver” in the eleventh line “except, subject to subsection 3, where such portion of the loss or damage was caused by the gross negligence of the driver of the motor vehicle”, so that the subsection shall read as follows: R.S.O. 1960,  
c. 261, s. 2,  
subs. 2,  
amended

- (2) In any action brought for any loss or damage resulting from bodily injury to, or the death of any person being carried in, or upon, or entering, or getting on to, or alighting from a motor vehicle other than a vehicle operated in the business of carrying passengers for compensation, and the owner or driver of the motor vehicle that the injured or deceased person was being carried in, or upon, or entering, or getting on to, or alighting from is one of the persons found to be at fault or negligent, no damages are, and no contribution or indemnity is, recoverable for the portion of the loss or damage caused by the fault or negligence of such owner or driver except, subject to subsection 3, where such portion of the loss or damage was caused by the gross negligence of the driver of the motor vehicle, and the portion of the loss or damage so caused by the fault or negligence of such owner or driver shall be determined although such owner or driver is not a party to the action. Where  
plaintiff is  
passenger

(2) Subsection 1 applies only to loss or damage resulting from bodily injury to or the death of any person caused by the gross negligence of a driver of a motor vehicle on or after the day this section comes into force. Application  
of subs. 1

Commence-  
ment

**2.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**3.** This Act may be cited as *The Negligence Amendment Act, 1966*.









An Act to amend The Negligence Act

---

*1st Reading*

June 9th, 1966

*2nd Reading*

June 17th, 1966

*3rd Reading*

June 29th, 1966

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MR. WISHART

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# **BILL 171**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Farm Loans Act**

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**MR. ALLAN**

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#### EXPLANATORY NOTE

This Bill will provide a means of dissolving the defunct farm loan associations that were incorporated under *The Farm Loans Act* many years ago.

BILL 171

1966

## An Act to amend The Farm Loans Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Farm Loans Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 133,  
amended

50. Where it appears to the Lieutenant Governor in Council that an association has ceased to operate, he may dissolve it, appoint a liquidator of its estate and effects, and make such provisions as he deems appropriate for the disposal of its property and records. Dissolution  
by Lieu-  
tenant  
Governor  
in Council

2. This Act may be cited as *The Farm Loans Amendment Act, 1966*. Short title



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*1st Reading*

June 9th, 1966

*2nd Reading*

*3rd Reading*

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MR. ALAN

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# **BILL 171**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

---

## **An Act to amend The Farm Loans Act**

---

**MR. ALLAN**

---



BILL 171

1966

## An Act to amend The Farm Loans Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Farm Loans Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 133,  
amended

50. Where it appears to the Lieutenant Governor in Council that an association has ceased to operate, he may dissolve it, appoint a liquidator of its estate and effects, and make such provisions as he deems appropriate for the disposal of its property and records. Dissolution  
by Lieu-  
tenant  
Governor  
in Council

2. This Act may be cited as *The Farm Loans Amendment Act, 1966*. Short title

---

*1st Reading*

June 9th, 1966

*2nd Reading*

June 14th, 1966

*3rd Reading*

June 29th, 1966

---

MR. ALAN

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# **BILL 172**

---

4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## **An Act to amend The Tile Drainage Act**

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MR. ALLAN

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#### EXPLANATORY NOTES

SECTION 1. The amounts increased, which have remained unchanged for many years, are brought into line with present-day monetary values.

Also, the maximum term for such borrowing is fixed at 10 years.

# **BILL 172**      **1966**

## **An Act to amend The Tile Drainage Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 1 of *The Tile Drainage Act* is amended by striking out “\$200,000” in the fifth line and inserting in lieu thereof “\$300,000” and by striking out “or twenty” in the seventh line, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 399, s. 1,  
subs. 1,  
amended

(1) Subject to sections 64 and 65 of *The Ontario Municipal Board Act*, the council of a town, village or township may pass by-laws (Form 1) for borrowing for the purposes hereinafter mentioned, in sums of not less than \$2,000, and not exceeding \$300,000 in the whole, such amount as they may deem expedient, and for issuing therefor debentures of the municipality (Form 2), payable within ten years from the date of the debentures, which shall bear date in the year in which the money is borrowed from the municipality as is hereinafter provided, and bearing interest at a rate of not less than 3 per cent per annum, and it is not necessary to obtain the assent of the electors to any such by-law before the passing thereof.

Borrowing  
powers of  
councils  
R.S.O. 1960,  
c. 274

(2) Subsection 2 of the said section 1 is amended by striking out “\$200,000” in the fourth line and inserting in lieu thereof “\$300,000”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 399, s. 1,  
subs. 2,  
amended

(2) The amount of the indebtedness of the municipality in respect of money so borrowed and remaining unpaid, including the amount provided for in any by-law being passed, shall not at any time exceed \$300,000, and no such by-law shall be passed except at a meeting of the council specially called for the purpose of considering it and of which notice has been published in accordance with subsection 3.

Proviso

R.S.O. 1960,  
c. 399, s. 1,  
subs. 4,  
amended

(3) Subsection 4 of the said section 1 is amended by striking out "\$300,000" in the fifth line and in the seventh line and inserting in lieu thereof in each instance "\$500,000", so that the subsection shall read as follows:

Borrowing  
powers  
where  
assessment  
not less  
than  
\$3,000,000

(4) Notwithstanding subsections 1 and 2, the council of a town, village or township, the assessment of the whole rateable property in which according to the last revised assessment roll is not less than \$3,000,000, may for the purposes hereinafter mentioned borrow sums not exceeding \$500,000 in the whole, provided the indebtedness in respect of money so borrowed and remaining unpaid shall not at any time exceed \$500,000.

R.S.O. 1960,  
c. 399, s. 13,  
subs. 1,  
amended

**2.** Subsection 1 of section 13 of *The Tile Drainage Act* is amended by striking out "or twenty" in the third line, so that the subsection shall read as follows:

Application  
of proceeds  
of loans

(1) The council shall lend the money so borrowed only for the purpose of tile, stone or timber drainage and for a term of ten years, in sums of \$100 or multiples thereof, subject to section 14, as the council may deem proper, to persons entitled to borrow.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Tile Drainage Amendment Act, 1966*.

SECTION 2. The provision is brought into line with the established administrative practice.







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*1st Reading*

June 9th, 1966

*2nd Reading*

*3rd Reading*

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MR. ALAN

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# **BILL 172**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Tile Drainage Act**

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**MR. ALLAN**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**





BILL 172

1966

## An Act to amend The Tile Drainage Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Tile Drainage Act* is amended by striking out "\$200,000" in the fifth line and inserting in lieu thereof "\$300,000" and by striking out "or twenty" in the seventh line, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 399, s. 1,  
subs. 1,  
amended

- (1) Subject to sections 64 and 65 of *The Ontario Municipal Board Act*, the council of a town, village or township may pass by-laws (Form 1) for borrowing for the purposes hereinafter mentioned, in sums of not less than \$2,000, and not exceeding \$300,000 in the whole, such amount as they may deem expedient, and for issuing therefor debentures of the municipality (Form 2), payable within ten years from the date of the debentures, which shall bear date in the year in which the money is borrowed from the municipality as is hereinafter provided, and bearing interest at a rate of not less than 3 per cent per annum, and it is not necessary to obtain the assent of the electors to any such by-law before the passing thereof.

Borrowing  
powers of  
councils  
R.S.O. 1960,  
c. 274

(2) Subsection 2 of the said section 1 is amended by striking out "\$200,000" in the fourth line and inserting in lieu thereof "\$300,000", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 399, s. 1,  
subs. 2,  
amended

- (2) The amount of the indebtedness of the municipality in respect of money so borrowed and remaining unpaid, including the amount provided for in any by-law being passed, shall not at any time exceed \$300,000, and no such by-law shall be passed except at a meeting of the council specially called for the purpose of considering it and of which notice has been published in accordance with subsection 3.

Proviso

R.S.O. 1960,  
c. 399, s. 1,  
subs. 4,  
amended

(3) Subsection 4 of the said section 1 is amended by striking out "\$300,000" in the fifth line and in the seventh line and inserting in lieu thereof in each instance "\$500,000", so that the subsection shall read as follows:

Borrowing  
powers  
where  
assessment  
not less  
than  
\$3,000,000

(4) Notwithstanding subsections 1 and 2, the council of a town, village or township, the assessment of the whole rateable property in which according to the last revised assessment roll is not less than \$3,000,000, may for the purposes hereinafter mentioned borrow sums not exceeding \$500,000 in the whole, provided the indebtedness in respect of money so borrowed and remaining unpaid shall not at any time exceed \$500,000.

R.S.O. 1960,  
c. 399, s. 13,  
subs. 1,  
amended

2. Subsection 1 of section 13 of *The Tile Drainage Act* is amended by striking out "or twenty" in the third line, so that the subsection shall read as follows:

Application  
of proceeds  
of loans

(1) The council shall lend the money so borrowed only for the purpose of tile, stone or timber drainage and for a term of ten years, in sums of \$100 or multiples thereof, subject to section 14, as the council may deem proper, to persons entitled to borrow.

Commence-  
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Tile Drainage Amendment Act, 1966*.









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*1st Reading*

June 9th, 1966

*2nd Reading*

June 13th, 1966

*3rd Reading*

June 15th, 1966

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MR. ALLAN

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# **BILL 173**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Financial Administration Act**

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**MR. ALLAN**

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#### EXPLANATORY NOTES

SECTION 1. Provision is made for the appointment of a secretary and the staff of the Treasury Board in the regular way rather than by the designation of Treasury personnel.

SECTION 2. The amendment brings up to date the section that sets out the functions of the Treasury Board.

SECTION 3. This new section, which is comparable to section 22 of the *Financial Administration Act* (Canada) will permit the Treasurer of Ontario to make a settlement with a taxpayer on the same basis as the Minister of National Revenue of Canada if, in the Treasurer's opinion, it is in the public interest so to do. This is in line with the practice of keeping the calculation of taxable income under *The Income Tax Act* and *The Corporations Tax Act* on the same basis as the calculation under the Federal Acts.

BILL 173

1966

## An Act to amend The Financial Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Financial Administration Act*, as re-enacted by section 1 of *The Financial Administration Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 142, s. 2,  
subs. 3  
(1961-62,  
c. 43, s. 1),  
re-enacted

(3) The Lieutenant Governor in Council shall appoint Secretary  
an officer to be called the Secretary of the Treasury Board, who shall perform such functions as the Treasury Board may assign to him.

(3a) Such other officers and employees as are necessary Officers and  
employees  
for the proper conduct of the business of the Treasury Board shall be appointed under *The Public Service Act, 1961-62*. 1961-62,  
c. 121

2. Section 3 of *The Financial Administration Act* is R.S.O. 1960,  
c. 142, s. 3,  
amended  
amended by striking out "and" where it occurs the first time in the third line and by inserting after "commitments" in the third line "organization and staff establishments", so that the section shall read as follows:

3. The Treasury Board shall act as a committee of the Functions of  
Treasury  
Board  
Executive Council on all matters relating to finance, revenues, estimates, expenditures, financial commitments, organization and staff establishments and on any other matter concerning general administrative policy in the public service that is referred to the Board by the Executive Council or on which the Board considers it desirable to report to the Executive Council.

3. *The Financial Administration Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 142,  
amended

Interpre-  
tation

22a.—(1) In this section, "tax" includes any tax, impost, duty or toll payable to Her Majesty, imposed or authorized to be imposed by any Act of this Legislature, and "penalty" includes any forfeiture or pecuniary penalty imposed or authorized to be imposed by any Act of this Legislature for any contravention of the laws relating to the collection of the revenue or to the management of any public work producing toll or revenue, notwithstanding that part of such forfeiture or penalty is payable to any other person.

Remission  
of taxes,  
etc.

(2) Notwithstanding any other Act, the Lieutenant Governor in Council, on the recommendation of the Treasurer, may, if he considers it in the public interest, remit any tax, fee or penalty.

Idem,  
may be  
partial,  
etc.

(3) A remission pursuant to this section may be total or partial, conditional or unconditional, and may be granted,

(a) before, after or pending any suit or proceeding for the recovery of the tax, fee or penalty in respect of which it is granted;

(b) before or after any payment thereof has been made or enforced by process or execution; or

(c) in the case of a tax or fee, in any particular case or class of case and before the liability therefor arises.

Idem,  
form of

(4) A remission under this section may be granted,

(a) by forbearing to institute a suit or proceeding for the recovery of the tax, fee or penalty in respect of which the remission is granted;

(b) by delaying, staying or discontinuing any suit or proceeding already instituted;

(c) by forbearing to enforce, staying or abandoning any execution or process upon any judgment;

(d) by the entry of satisfaction upon any judgment;

(e) by repaying any sum of money paid to or recovered by the Treasurer for the tax, fee or penalty.



- (5) Where a remission is granted under this section <sup>Idem, conditional</sup> subject to a condition and the condition is not performed, it may be enforced or all proceedings may be had as if there had been no remission.
  - (6) A conditional remission, upon performance of the condition, and an unconditional remission, have <sup>Effect of conditional remission</sup> effect as if the remission was made after the tax, fee or penalty in respect of which it was granted had been sued for and recovered.
  - (7) Remissions granted under this or any other Act <sup>Payments</sup> may be paid out of the Consolidated Revenue Fund.
  - (8) A statement of each remission of \$1,000 or more <sup>Report</sup> granted under this section shall be reported to the Legislature in the public accounts.
  - (9) Where a penalty imposed by any law relating to the revenue has been wholly and unconditionally re- <sup>Remission has effect of pardon</sup> mitted under this section, the remission has the effect of a pardon for the offence for which the penalty was incurred, and thereafter the offence has no legal effect prejudicial to the person to whom the remission was granted.
- 4.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.
- 5.** This Act may be cited as *The Financial Administration* <sup>Short title</sup> *Amendment Act, 1966.*





An Act to amend  
The Financial Administration Act

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*1st Reading*

June 10th, 1966

*2nd Reading*

*3rd Reading*

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MR. ALLAN

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# **BILL 173**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Financial Administration Act**

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**MR. ALLAN**

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BILL 173 1966

## An Act to amend The Financial Administration Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Financial Administration Act*, as re-enacted by section 1 of *The Financial Administration Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 142, s. 2,  
subs. 3  
(1961-62,  
c. 43, s. 1),  
re-enacted

(3) The Lieutenant Governor in Council shall appoint Secretary  
an officer to be called the Secretary of the Treasury Board, who shall perform such functions as the Treasury Board may assign to him.

(3a) Such other officers and employees as are necessary Officers and  
employees  
for the proper conduct of the business of the Treasury Board shall be appointed under *The Public Service Act, 1961-62*. 1961-62,  
c. 121

2. Section 3 of *The Financial Administration Act* is R.S.O. 1960,  
c. 142, s. 3,  
amended  
amended by striking out "and" where it occurs the first time in the third line and by inserting after "commitments" in the third line "organization and staff establishments", so that the section shall read as follows:

3. The Treasury Board shall act as a committee of the Functions of  
Treasury  
Board  
Executive Council on all matters relating to finance, revenues, estimates, expenditures, financial commitments, organization and staff establishments and on any other matter concerning general administrative policy in the public service that is referred to the Board by the Executive Council or on which the Board considers it desirable to report to the Executive Council.

3. *The Financial Administration Act* is amended by adding R.S.O. 1960,  
c. 142,  
amended  
thereto the following section:

Interpre-  
tation

22a.—(1) In this section, “tax” includes any tax, impost, duty or toll payable to Her Majesty, imposed or authorized to be imposed by any Act of this Legislature, and “penalty” includes any forfeiture or pecuniary penalty imposed or authorized to be imposed by any Act of this Legislature for any contravention of the laws relating to the collection of the revenue or to the management of any public work producing toll or revenue, notwithstanding that part of such forfeiture or penalty is payable to any other person.

Remission  
of taxes,  
etc.

(2) Notwithstanding any other Act, the Lieutenant Governor in Council, on the recommendation of the Treasurer, may, if he considers it in the public interest, remit any tax, fee or penalty.

Idem,  
may be  
partial,  
etc.

(3) A remission pursuant to this section may be total or partial, conditional or unconditional, and may be granted,

(a) before, after or pending any suit or proceeding for the recovery of the tax, fee or penalty in respect of which it is granted;

(b) before or after any payment thereof has been made or enforced by process or execution; or

(c) in the case of a tax or fee, in any particular case or class of case and before the liability therefor arises.

Idem,  
form of

(4) A remission under this section may be granted,

(a) by forbearing to institute a suit or proceeding for the recovery of the tax, fee or penalty in respect of which the remission is granted;

(b) by delaying, staying or discontinuing any suit or proceeding already instituted;

(c) by forbearing to enforce, staying or abandoning any execution or process upon any judgment;

(d) by the entry of satisfaction upon any judgment; or

(e) by repaying any sum of money paid to or recovered by the Treasurer for the tax, fee or penalty.

- (5) Where a remission is granted under this section <sup>Idem, conditional</sup> subject to a condition and the condition is not performed, it may be enforced or all proceedings may be had as if there had been no remission.
- (6) A conditional remission, upon performance of the <sup>Effect of conditional remission</sup> condition, and an unconditional remission, have effect as if the remission was made after the tax, fee or penalty in respect of which it was granted had been sued for and recovered.
- (7) Remissions granted under this or any other Act <sup>Payments</sup> may be paid out of the Consolidated Revenue Fund.
- (8) A statement of each remission of \$1,000 or more <sup>Report</sup> granted under this section shall be reported to the Legislature in the public accounts.
- (9) Where a penalty imposed by any law relating to the <sup>Remission has effect of pardon</sup> revenue has been wholly and unconditionally remitted under this section, the remission has the effect of a pardon for the offence for which the penalty was incurred, and thereafter the offence has no legal effect prejudicial to the person to whom the remission was granted.

**4.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

**5.** This Act may be cited as *The Financial Administration* <sup>Short title</sup> *Amendment Act, 1966.*







An Act to amend  
The Financial Administration Act

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*1st Reading*

June 10th, 1966

*2nd Reading*

June 14th, 1966

*3rd Reading*

June 29th, 1966

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MR. ALAN

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# **BILL 174**

---

4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## **An Act to amend The Real Estate and Business Brokers Act**

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MR. WISHART

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#### EXPLANATORY NOTE

The present provision requires disclosure of negotiations for resale where a broker or salesman purchases or offers to purchase real estate listed with him. The new section requires disclosure of the fact that the purchaser is a broker or salesman in all cases, and, where the property is listed with the purchaser, disclosure of negotiations for resale and prohibition against receiving a commission.

BILL 174

1966

## An Act to amend The Real Estate and Business Brokers Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 49 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 344, s. 49,  
re-enacted

49.—(1) No broker or salesman shall purchase, lease, exchange or otherwise acquire for himself or make an offer to purchase, lease, exchange or otherwise acquire for himself, either directly or indirectly, any interest in real estate unless he first delivers to the vendor a written statement that he is a broker or salesman, as the case may be, and the vendor has acknowledged in writing that he has received the statement. Statement  
where  
purchaser  
is a broker  
or salesman

(2) Where real estate in respect of which a broker or salesman is required to give a statement under subsection 1 is listed with the broker or, in the case of a salesman, is listed with the broker by whom the salesman is employed, appointed or authorized to trade in real estate, Idem, where  
property  
listed with  
purchaser

(a) the statement shall include the particulars of any negotiation or agreement by or on behalf of the broker or salesman for the sale, exchange, lease or other disposition of any interest in the real estate to any other person; and

(b) notwithstanding any agreement to the contrary, the broker or salesman is not entitled to any commission or other remuneration in respect of the listing.

2. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1966*. Short title



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*1st Reading*

June 13th, 1966

*2nd Reading*

*3rd Reading*

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MR. WISHART

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# **BILL 175**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to provide for the Establishment of The Moosonee Development Area Board**

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**MR. SPOONER**

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#### EXPLANATORY NOTE

The Bill provides for the establishment of The Moosonee Development Area Board for the purposes set out in the Bill.

BILL 175

1966

## An Act to provide for the Establishment of The Moosonee Development Area Board

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Board" means The Moosonee Development Area Board;
- (b) "Development Area" means the area defined in Schedule A;
- (c) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council.

**2.**—(1) There is hereby established a corporation without share capital under the name of "The Moosonee Development Area Board".

Board,  
established

(2) The Board shall consist of five members appointed and designated as chairman, vice-chairman and members by the Lieutenant Governor in Council.

composition

(3) Three members of the Board constitute a quorum.

quorum

(4) If a vacancy occurs on the Board through death, resignation or otherwise, the vacancy may be filled and the members may be redesignated by the Lieutenant Governor in Council.

vacancy

(5) The Board shall be deemed to be a local board for the purposes of *The Ontario Municipal Employees Retirement System Act, 1961-62*.

deemed  
local board  
under  
1961-62,  
c. 97

**3.** For the purposes of every Act, the Board, in respect of the purposes specified in Schedule B, has, in the Development Area, all the powers and duties of the council of a town-

Powers of  
Board

ship, and, when any such power or duty is exercised under any Act in respect of any of such purposes, the Act applies *mutatis mutandis*.

District  
assessor  
R.S.O. 1960,  
c. 23

**4.** The Development Area is a locality for the purposes of section 104 of *The Assessment Act*.

Application  
of  
R.S.O. 1960,  
c. 98

**5.** The Board is subject to Part III of *The Department of Municipal Affairs Act* as though it were a municipality.

Grants

**6.** The Minister may make grants to the Board until the 31st day of March, 1967, out of the Consolidated Revenue Fund, and thereafter out of the moneys appropriated therefor by the Legislature.

Application  
of 1961-62,  
c. 111

**7.** *The Provincial Land Tax Act, 1961-62* does not apply to the Development Area.

Board not  
municipality  
under  
R.S.O. 1960,  
c. 274

**8.** Except as otherwise provided in this Act, the Board is not a municipality under *The Ontario Municipal Board Act*.

Develop-  
ment Area  
deemed  
municipality  
under  
R.S.O. 1960,  
c. 275

**9.** For the purposes of *The Ontario Municipal Improvement Corporation Act* and sections 57, 58, 59, 60 and 61 of *The Ontario Municipal Board Act*, the Board shall be deemed to be a municipality and the approval of the Department of Municipal Affairs shall be deemed to be an approval of the Ontario Municipal Board under sections 64 and 65 of *The Ontario Municipal Board Act*.

Develop-  
ment Area  
remains  
territory

**10.** The Development Area shall remain territory without municipal organization.

Application  
of  
R.S.O. 1960,  
c. 71

**11.** *The Corporations Act* does not apply to the Board.

Regulations

**12.** The Lieutenant Governor in Council may make regulations amending Schedule B.

Commence-  
ment

**13.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**14.** This Act may be cited as *The Moosonee Development Area Board Act, 1966*.



## SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the District of Cochrane and Province of Ontario, being composed of Part of the Moosonee Townsite and parts of lots 25, 26, 27 and 28, Concession 2, and Part of Lot 28, Concession 1, in the Township of Moose, parts of lots 1 and 2, Concession 1, Township of Caron, all of Lot 1 and parts of lots 2, 3, 4 and 5, Concession 12, all of lots 1, 2, 3 and 4 and parts of lots 5, 6 and 7, Concession 11, all of lots 2, 3 and 4 and parts of lots 5, 6 and 7, Concession 10, all of Lot 2 and parts of lots 3, 4 and 5, Concession 9, and Part of Lot 3, Concession 8, Township of Horden, including lands of the Ontario Northland Railway, lands of the Department of National Defence, lands of the Department of Transport and all roads lying within the boundaries above defined, together with a portion of the north channel of the Moose River, and which said parcel or tract of land may be more particularly described as follows:

PREMISING that the bearings hereinafter referred to are assumed to be astronomic and are referred to the bearing North 45° 46' East for the north-western boundary of the Townsite of Moosonee:

COMMENCING at a point in the southwesterly boundary of lands of the Department of Transport of Canada, the said point being at the most westerly angle of lands shown on a Reference Plan of Survey recorded in the Land Titles Office at Cochrane as C. R.-772 and designated thereon as Part 2 and also being at the most southerly angle of lands shown on a Reference Plan of Survey recorded in the said Land Titles Office as C. R.-142 and designated thereon as Part 1;

THENCE North 70° 13' 30" West along the southwestern boundary of the said lands of the Department of Transport being along the southwestern boundary of the lands shown on the said Reference Plan C. R.-142 a distance of 1800.15 feet, more or less, to a point in the most westerly angle of the lands shown on the said Reference Plan C. R.-142, the said point being in the southeastern limit of the right of way of the Ontario Northland Railway at the most southerly angle of lands shown as Part 1 of the aforesaid Reference Plan C. R.-772;

THENCE North 44° 14' West along the southwestern limit of the land shown on the last-mentioned Reference Plan a distance of 400 feet, more or less, to a point in the most westerly angle of the said land and at a point in the division line between the Moosonee Townsite and the Township of Moose and distant 1703.95 feet measured South 45° 46' West thereon from a point in the eastern limit of Lot 25, Concession 2, of the said Township of Moose, which last-mentioned point is distant 1795.89 feet measured southerly along the east boundary of the said Lot 25 from the northeastern angle thereof;

THENCE North 44° 14' West, continuing along the southwestern limit of the lands of the Department of Transport of Canada a distance of 1600 feet to a point at the most westerly angle of the said lands and distant 935.32 feet measured South 45° 46' West along the northwest limit of the said lands of the Department of Transport from a point in the east limit of Lot 26, Concession 2, of the Township of Moose, distant 1182.02 feet measured southerly thereon from the northeast angle of the said Lot 26;

THENCE continuing North 44° 14' West a distance of 1040.0 feet to the most northerly angle of the Moosonee Development Area;

THENCE South 45° 46' West, parallel with the centre line of the Ontario Northland Railway and distant 2840 feet measured northwesterly at right angles therefrom, a distance of 21,618 feet to the most westerly angle of the Moosonee Development Area;

THENCE South 44° 14' East a distance of 2840 feet to the centre line of the said railway;

THENCE South 45° 46' West along the centre line of the said railway, a distance of 221 feet, more or less, to the southwestern limit of the lands of the Department of National Defence of Canada (Royal Canadian Air Force);

THENCE South  $44^{\circ} 14'$  East along the southwestern limit of the said lands of the Department of National Defence a distance of 2050 feet, more or less, to the most southerly angle of the said lands;

THENCE North  $45^{\circ} 46'$  East along the southeastern limit of the last-mentioned lands a distance of 221 feet;

THENCE South  $44^{\circ} 14'$  East a distance of 6750 feet to a point approximately 150 feet measured South  $44^{\circ} 14'$  East from the northwestern natural high-water mark of Moose River;

THENCE northeasterly in the waters of the north channel of Moose River the following courses and distances: North  $17^{\circ} 50'$  East 6500 feet, North  $10^{\circ} 27'$  West 2360 feet, North  $31^{\circ} 18'$  East 3410 feet, North  $42^{\circ} 00'$  East 8600 feet, and North  $52^{\circ} 54'$  East 4015 feet, more or less, to a point in the southeasterly prolongation of the southwest limit of lands of the Department of Transport of Canada shown on a Reference Plan of Survey recorded in the Land Titles Office at Cochrane as C. R.-772 and designated thereon as Part 2, the said point being distant 1176 feet measured South  $70^{\circ} 13' 30''$  East along the southwest limit of the last-mentioned lands and its prolongation from the most westerly angle thereof and approximately 200 feet measured southeasterly along the said prolongation from the natural high-water mark of the Moose River;

THENCE North  $70^{\circ} 13' 30''$  West along the said prolongation and along the southwestern limit of the lands shown as Part 2 on the said Plan C. R.-772 a distance of 1176 feet to the point of commencement.

## SCHEDULE B

1. The provision, maintenance and operation of sewer and water services.
2. The provision and maintenance of roads and streets, including drainage thereof.
3. The collection, removal and disposal of garbage and other refuse.
4. All the purposes of *The Planning Act*.
5. The provision, maintenance and operation of fire protection services.
6. The provision, maintenance and operation of street lighting.

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*1st Reading*

June 14th, 1966

*2nd Reading*

*3rd Reading*

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MR. SPOONER

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# **BILL 175**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to provide for the Establishment of The Moosonee Development Area Board**

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**MR. SPOONER**

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BILL 175

1966

## An Act to provide for the Establishment of The Moosonee Development Area Board

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "Board" means The Moosonee Development Area Board;
- (b) "Development Area" means the area defined in Schedule A;
- (c) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council.

**2.—(1)** There is hereby established a corporation without share capital under the name of "The Moosonee Development Area Board". Board,  
established

(2) The Board shall consist of five members appointed and designated as chairman, vice-chairman and members by the Lieutenant Governor in Council. composition

(3) Three members of the Board constitute a quorum. quorum

(4) If a vacancy occurs on the Board through death, resignation or otherwise, the vacancy may be filled and the members may be redesignated by the Lieutenant Governor in Council. vacancy

(5) The Board shall be deemed to be a local board for the purposes of *The Ontario Municipal Employees Retirement System Act, 1961-62*. deemed  
local board  
under  
1961-62,  
c. 97

**3.** For the purposes of every Act, the Board, in respect of the purposes specified in Schedule B, has, in the Development Area, all the powers and duties of the council of a town- Powers of  
Board

ship, and, when any such power or duty is exercised under any Act in respect of any of such purposes, the Act applies *mutatis mutandis*.

District  
assessor  
R.S.O. 1960,  
c. 23

**4.** The Development Area is a locality for the purposes of section 104 of *The Assessment Act*.

Application  
of  
R.S.O. 1960,  
c. 98

**5.** The Board is subject to Part III of *The Department of Municipal Affairs Act* as though it were a municipality.

Grants

**6.** The Minister may make grants to the Board until the 31st day of March, 1967, out of the Consolidated Revenue Fund, and thereafter out of the moneys appropriated therefor by the Legislature.

Application  
of 1961-62,  
c. 111

**7.** *The Provincial Land Tax Act, 1961-62* does not apply to the Development Area.

Board not  
municipality  
under  
R.S.O. 1960,  
c. 274

**8.** Except as otherwise provided in this Act, the Board is not a municipality under *The Ontario Municipal Board Act*.

Develop-  
ment Area  
deemed  
municipality  
under  
R.S.O. 1960,  
c. 275

**9.** For the purposes of *The Ontario Municipal Improvement Corporation Act* and sections 57, 58, 59, 60 and 61 of *The Ontario Municipal Board Act*, the Board shall be deemed to be a municipality and the approval of the Department of Municipal Affairs shall be deemed to be an approval of the Ontario Municipal Board under sections 64 and 65 of *The Ontario Municipal Board Act*.

Develop-  
ment Area  
remains  
territory

**10.** The Development Area shall remain territory without municipal organization.

Application  
of  
R.S.O. 1960,  
c. 71

**11.** *The Corporations Act* does not apply to the Board.

Regulations

**12.** The Lieutenant Governor in Council may make regulations amending Schedule B.

Commence-  
ment

**13.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**14.** This Act may be cited as *The Moosonee Development Area Board Act, 1966*.

## SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the District of Cochrane and Province of Ontario, being composed of Part of the Moosonee Townsite and parts of lots 25, 26, 27 and 28, Concession 2, and Part of Lot 28, Concession 1, in the Township of Moose, parts of lots 1 and 2, Concession 1, Township of Caron, all of Lot 1 and parts of lots 2, 3, 4 and 5, Concession 12, all of lots 1, 2, 3 and 4 and parts of lots 5, 6 and 7, Concession 11, all of lots 2, 3 and 4 and parts of lots 5, 6 and 7, Concession 10, all of Lot 2 and parts of lots 3, 4 and 5, Concession 9, and Part of Lot 3, Concession 8, Township of Horden, including lands of the Ontario Northland Railway, lands of the Department of National Defence, lands of the Department of Transport and all roads lying within the boundaries above defined, together with a portion of the north channel of the Moose River, and which said parcel or tract of land may be more particularly described as follows:

PREMISING that the bearings hereinafter referred to are assumed to be astronomic and are referred to the bearing North  $45^{\circ} 46'$  East for the north-western boundary of the Townsite of Moosonee:

COMMENCING at a point in the southwesterly boundary of lands of the Department of Transport of Canada, the said point being at the most westerly angle of lands shown on a Reference Plan of Survey recorded in the Land Titles Office at Cochrane as C. R.-772 and designated thereon as Part 2 and also being at the most southerly angle of lands shown on a Reference Plan of Survey recorded in the said Land Titles Office as C. R.-142 and designated thereon as Part 1;

THENCE North  $70^{\circ} 13' 30''$  West along the southwestern boundary of the said lands of the Department of Transport being along the southwestern boundary of the lands shown on the said Reference Plan C. R.-142 a distance of 1800.15 feet, more or less, to a point in the most westerly angle of the lands shown on the said Reference Plan C. R.-142, the said point being in the southeastern limit of the right of way of the Ontario Northland Railway at the most southerly angle of lands shown as Part 1 of the aforesaid Reference Plan C. R.-772;

THENCE North  $44^{\circ} 14'$  West along the southwestern limit of the land shown on the last-mentioned Reference Plan a distance of 400 feet, more or less, to a point in the most westerly angle of the said land and at a point in the division line between the Moosonee Townsite and the Township of Moose and distant 1703.95 feet measured South  $45^{\circ} 46'$  West thereon from a point in the eastern limit of Lot 25, Concession 2, of the said Township of Moose, which last-mentioned point is distant 1795.89 feet measured southerly along the east boundary of the said Lot 25 from the northeastern angle thereof;

THENCE North  $44^{\circ} 14'$  West, continuing along the southwestern limit of the lands of the Department of Transport of Canada a distance of 1600 feet to a point at the most westerly angle of the said lands and distant 935.32 feet measured South  $45^{\circ} 46'$  West along the northwest limit of the said lands of the Department of Transport from a point in the east limit of Lot 26, Concession 2, of the Township of Moose, distant 1182.02 feet measured southerly thereon from the northeast angle of the said Lot 26;

THENCE continuing North  $44^{\circ} 14'$  West a distance of 1040.0 feet to the most northerly angle of the Moosonee Development Area;

THENCE South  $45^{\circ} 46'$  West, parallel with the centre line of the Ontario Northland Railway and distant 2840 feet measured northwesterly at right angles therefrom, a distance of 21,618 feet to the most westerly angle of the Moosonee Development Area;

THENCE South  $44^{\circ} 14'$  East a distance of 2840 feet to the centre line of the said railway;

THENCE South  $45^{\circ} 46'$  West along the centre line of the said railway, a distance of 221 feet, more or less, to the southwestern limit of the lands of the Department of National Defence of Canada (Royal Canadian Air Force);



THENCE South  $44^{\circ} 14'$  East along the southwestern limit of the said lands of the Department of National Defence a distance of 2050 feet, more or less, to the most southerly angle of the said lands;

THENCE North  $45^{\circ} 46'$  East along the southeastern limit of the last-mentioned lands a distance of 221 feet;

THENCE South  $44^{\circ} 14'$  East a distance of 6750 feet to a point approximately 150 feet measured South  $44^{\circ} 14'$  East from the northwestern natural high-water mark of Moose River;

THENCE northeasterly in the waters of the north channel of Moose River the following courses and distances: North  $17^{\circ} 50'$  East 6500 feet, North  $10^{\circ} 27'$  West 2360 feet, North  $31^{\circ} 18'$  East 3410 feet, North  $42^{\circ} 00'$  East 8600 feet, and North  $52^{\circ} 54'$  East 4015 feet, more or less, to a point in the southeasterly prolongation of the southwest limit of lands of the Department of Transport of Canada shown on a Reference Plan of Survey recorded in the Land Titles Office at Cochrane as C. R.-772 and designated thereon as Part 2, the said point being distant 1176 feet measured South  $70^{\circ} 13' 30''$  East along the southwest limit of the last-mentioned lands and its prolongation from the most westerly angle thereof and approximately 200 feet measured southeasterly along the said prolongation from the natural high-water mark of the Moose River;

THENCE North  $70^{\circ} 13' 30''$  West along the said prolongation and along the southwestern limit of the lands shown as Part 2 on the said Plan C. R.-772 a distance of 1176 feet to the point of commencement.



## SCHEDULE B

1. The provision, maintenance and operation of sewer and water services.
2. The provision and maintenance of roads and streets, including drainage thereof.
3. The collection, removal and disposal of garbage and other refuse.
4. All the purposes of *The Planning Act*.
5. The provision, maintenance and operation of fire protection services.
6. The provision, maintenance and operation of street lighting.

An Act to provide for the Establishment  
of The Moosonee Development Area Board

---

*1st Reading*

June 14th, 1966

*2nd Reading*

June 23rd, 1966

*3rd Reading*

June 29th, 1966

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MR. SPOONER

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# **BILL 176**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Department of Public Welfare Act**

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**MR. CECILE**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

#### EXPLANATORY NOTE

The new provision gives a general authority for entering into agreements with the Government of Canada for contribution under such schemes as the proposed Canada Assistance Plan.

BILL 176

1966

## An Act to amend The Department of Public Welfare Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Department of Public Welfare Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 100, s. 3,  
amended

(2) The Minister, with the approval of the Lieutenant Governor in Council, may, on behalf of the Government of Ontario, make agreements with the Crown in right of Canada respecting the payment by Canada to Ontario of any portion of any expenditures heretofore or hereafter made by Ontario or by any municipality under any Act for the administration of which the Minister is responsible. Agreements  
with  
Canada  
authorized

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Department of Public Welfare Amendment Act, 1966*. Short title



An Act to amend  
The Department of Public Welfare Act

---

*1st Reading*

June 14th, 1966

*2nd Reading*

*3rd Reading*

---

MR. CECILE

---

# **BILL 176**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

---

## **An Act to amend The Department of Public Welfare Act**

---

**MR. CECILE**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**



BILL 176

1966

## An Act to amend The Department of Public Welfare Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Department of Public Welfare Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 100, s. 3,  
amended

- (2) The Minister, with the approval of the Lieutenant Governor in Council, may, on behalf of the Government of Ontario, make agreements with the Crown in right of Canada respecting the payment by Canada to Ontario of any portion of any expenditures heretofore or hereafter made by Ontario or by any municipality under any Act for the administration of which the Minister is responsible. Agreements  
with  
Canada  
authorized

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Department of Public Welfare Amendment Act, 1966*. Short title

An Act to amend  
The Department of Public Welfare Act

---

*1st Reading*

June 14th, 1966

*2nd Reading*

June 22nd, 1966

*3rd Reading*

June 29th, 1966

---

MR. CECILE

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# **BILL 177**

---

**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **The Day Nurseries Act, 1966**

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**MR. CECILE**

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#### EXPLANATORY NOTE

This Bill revises *The Day Nurseries Act*, which was enacted in 1946.

The changes include,

1. authority for the Minister of Public Welfare to establish and operate day nurseries in areas without municipal organization;
2. the increases of grants to municipalities for day nurseries from 50 per cent of operating and maintenance costs to 80 per cent, and the inclusion of day nurseries established by Indian bands;
3. procedures for issuing, refusing or revoking licences and for appeals;
4. provisions for inspection of day nurseries and records.

# BILL 177 1966

## The Day Nurseries Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "day nursery" means a place that receives for temporary custody, for a continuous period not exceeding twenty-four hours, more than three children under ten years of age not of common parentage and that is not part of a public school under *The Public Schools Act* or part of a separate school under *The Separate Schools Act* or part of a private school registered under *The Department of Education Act*; R.S.O. 1960,  
cc. 330,  
368, 94
- (b) "Director" means the Director of the Day Nurseries Branch of the Department of Public Welfare;
- (c) "licensed day nursery" means a day nursery licensed under this Act;
- (d) "Minister" means the Minister of Public Welfare;
- (e) "municipality" means a city, town, village or township and includes a metropolitan municipality, but does not include a local municipality in a metropolitan municipality;
- (f) "operator" means a person or a partnership or association of persons that has the control and management of a day nursery, and "operate" has a corresponding meaning;
- (g) "regulations" means the regulations made under this Act. R.S.O. 1960, c. 87, s. 1; 1964, c. 18, s. 1,  
amended.

2.—(1) The council of a municipality may by by-law provide for the establishment of day nurseries.

Establish-  
ment of day  
nurseries  
by muni-  
cipalities

By-laws  
re grants

(2) The council of a municipality may pass by-laws granting aid to day nurseries.

Agreements  
to provide  
day  
nurseries

(3) The council of a municipality may enter into an agreement with any person or organization operating a licensed day nursery for the furnishing of such day nursery services for such children as is agreed upon, and the municipality may make such expenditures as are necessary for the purpose. R.S.O. 1960, c. 87, s. 2, *amended*.

Establish-  
ment by  
Minister

(4) The Minister with the approval of the Lieutenant Governor in Council may establish day nurseries in areas without municipal organization. *New*.

Grants

**3.**—(1) There shall be paid to every municipality an amount equal to 80 per cent of its costs, computed in accordance with the regulations,

(a) for the operation and maintenance or the renovation of every licensed day nursery established by the municipality; and

(b) under agreements entered into under subsection 3 of section 2. R.S.O. 1960, c. 87, s. 3, *amended*.

Grants to  
Indian  
bands  
R.S.O. 1960,  
c. 164

(2) Where the council of an Indian band that is approved under *The General Welfare Assistance Act* establishes a day nursery and the day nursery is approved by the Minister for the purposes of this section, the band is entitled to the payment referred to in clause a of subsection 1 in the same manner as if the band were a municipality. *New*.

Director  
of day  
nurseries

**4.**—(1) There shall be a Director of the Day Nurseries Branch of the Department of Public Welfare, who shall perform the duties vested in him by this or any other Act.

Vacancies

(2) Where the Director is absent or there is a vacancy in his office, the powers and duties of the Director may be exercised and performed by such employee of the Department of Public Welfare as the Minister designates. *New*.

Licences

**5.**—(1) No person shall operate a day nursery without a licence therefor issued by the Director in accordance with the regulations, and the licence may be subject to terms and conditions.

Refusal or  
revocation  
of licence

(2) The Director may revoke or refuse to issue or renew a licence where the operator does not comply with the regulations or where there has been a breach of the terms or conditions of the licence.



(3) The Director shall not revoke or refuse to issue or renew <sup>Hearing</sup> a licence without giving the applicant an opportunity to be heard.

(4) Any person whose application for a licence or renewal <sup>Review</sup> of a licence has been refused or whose licence has been revoked may request a hearing and review of the decision of the Director by the Child Welfare Review Board established under *The Child Welfare Act, 1965*. <sup>1965, c. 14</sup>

(5) Where a hearing and review are requested, the Child <sup>Hearing and order</sup> Welfare Review Board shall hold a hearing and may by its order direct the Director to make such decision as the Director is authorized to make under this Act and the regulations and as the board deems proper, and thereupon the Director shall act accordingly.

(6) The order of the Child Welfare Review Board is final, <sup>Order final</sup> but further applications to the Director for a licence or renewal of licence may be made by the applicant upon new evidence or where it is clear that the material circumstances have changed. *New.*

**6.—**(1) The Minister may designate any employee of the <sup>Provincial supervisors</sup> Department of Public Welfare as a provincial supervisor who may at any time enter any day nursery and inspect the facilities and the books of account, enrolment records and other records at any time.

(2) Every person, when requested so to do by a provincial <sup>Access for inspections</sup> supervisor, shall permit inspection of any premises operated as a day nursery and shall produce and permit inspection of books of account, enrolment records and other records of the day nursery and supply extracts therefrom.

(3) No person shall hinder or obstruct a provincial super- <sup>Obstructing inspection</sup> visor in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information. *New.*

**7.** The Lieutenant Governor in Council may make regu- <sup>Regulations</sup> lations,

- (a) governing and regulating day nurseries or any class thereof;
- (b) providing for the issuance, renewal and cancellation of licences;
- (c) prescribing the fee payable by an applicant for a licence or renewal of a licence;



- (d) prescribing the manner of computing costs for the purposes of section 3;
- (e) prescribing the procedure for hearings by the Director and for hearings and reviews by the Child Welfare Review Board;
- (f) prescribing the forms to be used and the records that shall be kept under this Act;
- (g) prescribing additional duties of the Director;
- (h) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 87, s. 4, *amended*.

## Penalties

**8.**—(1) Every person who contravenes subsection 1 of section 5 is guilty of an offence and on summary conviction is liable to a fine of not more than \$20 for each day on which such offence continues.

## Idem

(2) Every person who contravenes section 6 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. R.S.O. 1960, c. 87, s. 5, *amended*.

## Moneys

**9.** The moneys required for the purposes of subsection 4 of section 2 and section 3 shall, until the 31st day of March, 1967, be paid out of the Consolidated Revenue Fund, and thereafter out of the moneys appropriated therefor by the Legislature. *New*.

R.S.O. 1960,  
c. 87;  
1964, c. 18,  
repealed

**10.** *The Day Nurseries Act* and *The Day Nurseries Amendment Act, 1964* are repealed.

Commence-  
ment

**11.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

## Short title

**12.** This Act may be cited as *The Day Nurseries Act, 1966*.



---

*1st Reading*

June 16th, 1966

*2nd Reading*

*3rd Reading*

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MR. CECILE

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# **BILL 177**

---

4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

---

## **The Day Nurseries Act, 1966**

---

MR. CECILE

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## BILL 177 1966

## The Day Nurseries Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Interpretation

- (a) "day nursery" means a place that receives for temporary custody, for a continuous period not exceeding twenty-four hours, more than three children under ten years of age not of common parentage and that is not part of a public school under *The Public Schools Act* or part of a separate school under *The Separate Schools Act* or part of a private school registered under *The Department of Education Act*; R.S.O. 1960, c. 330, 368, 94
- (b) "Director" means the Director of the Day Nurseries Branch of the Department of Public Welfare;
- (c) "licensed day nursery" means a day nursery licensed under this Act;
- (d) "Minister" means the Minister of Public Welfare;
- (e) "municipality" means a city, town, village or township and includes a metropolitan municipality, but does not include a local municipality in a metropolitan municipality;
- (f) "operator" means a person or a partnership or association of persons that has the control and management of a day nursery, and "operate" has a corresponding meaning;
- (g) "regulations" means the regulations made under this Act. R.S.O. 1960, c. 87, s. 1; 1964, c. 18, s. 1, amended.

2.—(1) The council of a municipality may by by-law provide for the establishment of day nurseries.

Establishment of day nurseries by municipalities

By-laws  
re grants

(2) The council of a municipality may pass by-laws granting aid to day nurseries.

Agreements  
to provide  
day  
nurseries

(3) The council of a municipality may enter into an agreement with any person or organization operating a licensed day nursery for the furnishing of such day nursery services for such children as is agreed upon, and the municipality may make such expenditures as are necessary for the purpose. R.S.O. 1960, c. 87, s. 2, *amended*.

Establish-  
ment by  
Minister

(4) The Minister with the approval of the Lieutenant Governor in Council may establish day nurseries in areas without municipal organization. *New*.

Grants

**3.**—(1) There shall be paid to every municipality an amount equal to 80 per cent of its costs, computed in accordance with the regulations,

(a) for the operation and maintenance or the renovation of every licensed day nursery established by the municipality; and

(b) under agreements entered into under subsection 3 of section 2. R.S.O. 1960, c. 87, s. 3, *amended*.

Grants to  
Indian  
bands  
R.S.O. 1960,  
c. 164

(2) Where the council of an Indian band that is approved under *The General Welfare Assistance Act* establishes a day nursery and the day nursery is approved by the Minister for the purposes of this section, the band is entitled to the payment referred to in clause *a* of subsection 1 in the same manner as if the band were a municipality. *New*.

Director  
of day  
nurseries

**4.**—(1) There shall be a Director of the Day Nurseries Branch of the Department of Public Welfare, who shall perform the duties vested in him by this or any other Act.

Vacancies

(2) Where the Director is absent or there is a vacancy in his office, the powers and duties of the Director may be exercised and performed by such employee of the Department of Public Welfare as the Minister designates. *New*.

Licences

**5.**—(1) No person shall operate a day nursery without a licence therefor issued by the Director in accordance with the regulations, and the licence may be subject to terms and conditions.

Refusal or  
revocation  
of licence

(2) The Director may revoke or refuse to issue or renew a licence where the operator does not comply with the regulations or where there has been a breach of the terms or conditions of the licence.

(3) The Director shall not revoke or refuse to issue or renew a licence without giving the applicant an opportunity to be heard. <sup>Hearing</sup>

(4) Any person whose application for a licence or renewal of a licence has been refused or whose licence has been revoked may request a hearing and review of the decision of the Director by the Child Welfare Review Board established under *The Child Welfare Act, 1965*. <sup>Review</sup> 1965, c. 14

(5) Where a hearing and review are requested, the Child Welfare Review Board shall hold a hearing and may by its order direct the Director to make such decision as the Director is authorized to make under this Act and the regulations and as the board deems proper, and thereupon the Director shall act accordingly. <sup>Hearing and order</sup>

(6) The order of the Child Welfare Review Board is final, but further applications to the Director for a licence or renewal of licence may be made by the applicant upon new evidence or where it is clear that the material circumstances have changed. <sup>Order final</sup> *New.*

**6.—**(1) The Minister may designate any employee of the Department of Public Welfare as a provincial supervisor who may at any time enter any day nursery and inspect the facilities and the books of account, enrolment records and other records at any time. <sup>Provincial supervisors</sup>

(2) Every person, when requested so to do by a provincial supervisor, shall permit inspection of any premises operated as a day nursery and shall produce and permit inspection of books of account, enrolment records and other records of the day nursery and supply extracts therefrom. <sup>Access for inspections</sup>

(3) No person shall hinder or obstruct a provincial supervisor in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information. <sup>Obstructing inspection</sup> *New.*

**7.** The Lieutenant Governor in Council may make regulations, <sup>Regulations</sup>

- (a) governing and regulating day nurseries or any class thereof;
- (b) providing for the issuance, renewal and cancellation of licences;
- (c) prescribing the fee payable by an applicant for a licence or renewal of a licence;



- (d) prescribing the manner of computing costs for the purposes of section 3;
- (e) prescribing the procedure for hearings by the Director and for hearings and reviews by the Child Welfare Review Board;
- (f) prescribing the forms to be used and the records that shall be kept under this Act;
- (g) prescribing additional duties of the Director;
- (h) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 87, s. 4, *amended*.

**Penalties**

**8.**—(1) Every person who contravenes subsection 1 of section 5 is guilty of an offence and on summary conviction is liable to a fine of not more than \$20 for each day on which such offence continues.

**Idem**

(2) Every person who contravenes section 6 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. R.S.O. 1960, c. 87, s. 5, *amended*.

**Moneys**

**9.** The moneys required for the purposes of subsection 4 of section 2 and section 3 shall, until the 31st day of March, 1967, be paid out of the Consolidated Revenue Fund, and thereafter out of the moneys appropriated therefor by the Legislature. *New*.

R.S.O. 1960,  
c. 87;  
1964, c. 18,  
repealed

**10.** *The Day Nurseries Act* and *The Day Nurseries Amendment Act, 1964* are repealed.

**Commence-  
ment**

**11.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

**Short title**

**12.** This Act may be cited as *The Day Nurseries Act, 1966*.





---

*1st Reading*

June 16th, 1966

*2nd Reading*

June 22nd, 1966

*3rd Reading*

June 29th, 1966

---

MR. CECILE

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# **BILL 178**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **The Elderly Persons Centres Act, 1966**

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**MR. CECILE**

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#### EXPLANATORY NOTE

The purpose of this Bill is to revise *The Elderly Persons' Social and Recreational Centres Act, 1961-62*. Changes include provision for maintenance grants and special grants for services, facilities and research.

**BILL 178** **1966**

**The Elderly Persons Centres Act, 1966**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act, Interpre-  
tation

- (a) "approved centre" means a centre approved under section 2;
- (b) "approved corporation" means a corporation approved under section 2;
- (c) "centre" means a social and recreational centre for elderly persons;
- (d) "corporation" means a corporation incorporated under the laws of Ontario without share capital and with objects of a charitable nature;
- (e) "Minister" means the Minister of Public Welfare;
- (f) "regulations" means the regulations made under this Act: 1961-62, c. 37, s. 1, *amended*.

**2.** The Lieutenant Governor in Council may approve any corporation or any centre for the purposes of this Act. 1961-62, Approval of  
corporations  
and centres c. 37, s. 3, *amended*.

**3.—(1)** The Lieutenant Governor in Council may direct Capital  
grants to  
centres payment to an approved corporation for the erection, alteration, extension, renovation or acquisition of a building or premises for use as a centre of an amount determined by the regulations but not exceeding 30 per cent of the cost thereof to the approved corporation, as computed in accordance with the regulations, but no payment shall be made unless the council of the municipality in which the building or premises is situate, or the council of that municipality together with the councils of one or more contiguous municipalities, directs payment to the approved corporation of a sum equal to at least 20 per cent of the cost as so computed.

Maintenance  
and  
operating  
grants

(2) There shall be paid to every approved corporation a sum computed in accordance with the regulations towards the cost of maintaining and operating its approved centre, but no payment shall be made unless the council of the municipality in which the centre is situate, or the council of that municipality together with the councils of one or more contiguous municipalities, directs payment to the approved corporation of a sum equal to at least the percentage prescribed by the regulations of the cost as so computed. 1961-62, c. 37, s. 4 (1), *amended*.

Special  
grants

4. The Lieutenant Governor in Council may make grants in accordance with the regulations in respect of services, facilities or research, other than those provided for in this Act, for elderly persons. *New*.

Approval  
of plans

5. No grant under subsection 1 of section 3 shall be made until the Minister has approved the site and plans of the building being erected, altered, extended, renovated or acquired. 1961-62, c. 37, s. 5, *amended*.

Approval  
of changes

6.—(1) No approved corporation that has been paid a grant under subsection 1 of section 3 in respect of an approved centre shall,

(a) change its name or the name of the approved centre;  
or

(b) change the site or sell or otherwise dispose of any part of or structurally alter the approved centre,

without the written approval of the Minister.

Approval  
of by-laws

(2) No by-law of an approved corporation that affects an approved centre in respect of which a grant under subsection 1 of section 3 has been paid has effect until it is approved in writing by the Minister. 1961-62, c. 37, s. 6, *amended*.

Regulations

7. The Lieutenant Governor in Council may make regulations,

(a) specifying the corporations and centres that are approved for the purposes of this Act;

(b) governing applications for grants;

(c) for the purpose of subsection 1 of section 3, prescribing,

(i) the manner of determining the amount of the grants payable thereunder, and



- (ii) the components that may be included in and the manner of computing the cost to an approved corporation of erecting, altering, extending, renovating or acquiring buildings or premises;
- (d) prescribing the manner of computing the grants mentioned in subsection 2 of section 3;
- (e) respecting the grants mentioned in section 4;
- (f) prescribing the terms and conditions upon which grants may be made;
- (g) prescribing the method, time and manner of the payment of grants;
- (h) prescribing the uses to which approved centres may be put and the rules governing the operation of such centres;
- (i) prescribing the records that shall be kept under this Act and the returns that shall be made to the Minister;
- (j) prescribing forms and providing for their use;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1961-62, c. 37, s. 7, *amended*.

**8.** The moneys required for the purposes of this Act shall, until the 31st day of March, 1967, be paid out of the Consolidated Revenue Fund, and thereafter out of the moneys appropriated therefor by the Legislature. 1961-62, c. 37, s. 4 (2), *amended*. Moneys

**9.** *The Elderly Persons' Social and Recreational Centres Act*, 1961-62, c. 37, *is repealed*. 1961-62,  
c. 37,  
repealed

**10.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

**11.** This Act may be cited as *The Elderly Persons Centres Act*, 1966. Short title





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*1st Reading*

June 16th, 1966

*2nd Reading*

*3rd Reading*

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MR. CECILE

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# **BILL 178**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **The Elderly Persons Centres Act, 1966**

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**MR. CECILE**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**





BILL 178

1966

## The Elderly Persons Centres Act, 1966

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act, Interpretation

- (a) "approved centre" means a centre approved under section 2;
- (b) "approved corporation" means a corporation approved under section 2;
- (c) "centre" means a social and recreational centre for elderly persons;
- (d) "corporation" means a corporation incorporated under the laws of Ontario without share capital and with objects of a charitable nature;
- (e) "Minister" means the Minister of Public Welfare;
- (f) "regulations" means the regulations made under this Act. 1961-62, c. 37, s. 1, *amended*.

**2.** The Lieutenant Governor in Council may approve any corporation or any centre for the purposes of this Act. 1961-62, Approval of corporations and centres c. 37, s. 3, *amended*.

**3.—(1)** The Lieutenant Governor in Council may direct payment to an approved corporation for the erection, alteration, extension, renovation or acquisition of a building or premises for use as a centre of an amount determined by the regulations but not exceeding 30 per cent of the cost thereof to the approved corporation, as computed in accordance with the regulations, but no payment shall be made unless the council of the municipality in which the building or premises is situate, or the council of that municipality together with the councils of one or more contiguous municipalities, directs payment to the approved corporation of a sum equal to at least 20 per cent of the cost as so computed. Capital grants to centres

**Maintenance and operating grants** (2) There shall be paid to every approved corporation a sum computed in accordance with the regulations towards the cost of maintaining and operating its approved centre, but no payment shall be made unless the council of the municipality in which the centre is situate, or the council of that municipality together with the councils of one or more contiguous municipalities, directs payment to the approved corporation of a sum equal to at least the percentage prescribed by the regulations of the cost as so computed. 1961-62, c. 37, s. 4 (1), *amended*.

**Special grants** 4. The Lieutenant Governor in Council may make grants in accordance with the regulations in respect of services, facilities or research, other than those provided for in this Act, for elderly persons. *New*.

**Approval of plans** 5. No grant under subsection 1 of section 3 shall be made until the Minister has approved the site and plans of the building being erected, altered, extended, renovated or acquired. 1961-62, c. 37, s. 5, *amended*.

**Approval of changes** 6.—(1) No approved corporation that has been paid a grant under subsection 1 of section 3 in respect of an approved centre shall,

- (a) change its name or the name of the approved centre; or
- (b) change the site or sell or otherwise dispose of any part of or structurally alter the approved centre,

without the written approval of the Minister.

**Approval of by-laws** (2) No by-law of an approved corporation that affects an approved centre in respect of which a grant under subsection 1 of section 3 has been paid has effect until it is approved in writing by the Minister. 1961-62, c. 37, s. 6, *amended*.

**Regulations** 7. The Lieutenant Governor in Council may make regulations,

- (a) specifying the corporations and centres that are approved for the purposes of this Act;
- (b) governing applications for grants;
- (c) for the purpose of subsection 1 of section 3, prescribing,
  - (i) the manner of determining the amount of the grants payable thereunder, and

- (ii) the components that may be included in and the manner of computing the cost to an approved corporation of erecting, altering, extending, renovating or acquiring buildings or premises;
- (d) prescribing the manner of computing the grants mentioned in subsection 2 of section 3;
- (e) respecting the grants mentioned in section 4;
- (f) prescribing the terms and conditions upon which grants may be made;
- (g) prescribing the method, time and manner of the payment of grants;
- (h) prescribing the uses to which approved centres may be put and the rules governing the operation of such centres;
- (i) prescribing the records that shall be kept under this Act and the returns that shall be made to the Minister;
- (j) prescribing forms and providing for their use;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1961-62, c. 37, s. 7, *amended*.

**8.** The moneys required for the purposes of this Act shall, <sup>Moneys</sup> until the 31st day of March, 1967, be paid out of the Consolidated Revenue Fund, and thereafter out of the moneys appropriated therefor by the Legislature. 1961-62, c. 37, s. 4 (2), *amended*.

**9.** *The Elderly Persons' Social and Recreational Centres Act*, <sup>1961-62, c. 37,</sup> 1961-62 is repealed. <sup>repealed</sup>

**10.** This Act comes into force on a day to be named by the <sup>Commence-</sup> Lieutenant Governor by his proclamation. <sup>ment</sup>

**11.** This Act may be cited as *The Elderly Persons Centres Act*, <sup>Short title</sup> 1966.







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*1st Reading*

June 16th, 1966

*2nd Reading*

June 22nd, 1966

*3rd Reading*

June 29th, 1966

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MR. CECILE

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# **BILL 179**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to provide Benefits to Persons and Families in Need**

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**MR. CECILE**

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#### EXPLANATORY NOTE

The purpose of this Bill is to provide allowances and other benefits to persons in need on a needs-test basis. The programmes to be provided under this Act will replace various programmes of assistance at present administered by the Province under the Acts mentioned in subsection 1 of section 14 of the Bill.

BILL 179

1966

## An Act to provide Benefits to Persons and Families in Need

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "allowance" means an allowance provided on the basis of need under this Act and the regulations;
- (b) "applicant" means a person who applies, or on whose behalf an application is made, for one or more benefits;
- (c) "beneficiary" means a person on whose behalf a benefit is provided;
- (d) "benefit" means a benefit provided on the basis of need under this Act and the regulations, and includes an allowance;
- (e) "dependent child" means a person who resides in Ontario and,
  - (i) is supported by his mother, dependent father or the person who stands *in loco parentis* to him,
  - (ii) is under twenty-one years of age, and
  - (iii) attends an educational institution of a class defined by the regulations and is making satisfactory progress with his studies;
- (f) "dependent father" means a father who is permanently unemployable by reason of physical or mental disability, and includes a father who is blind or otherwise disabled as defined by the regulations;



- (g) "Director" means the Director of the Family Benefits Branch of the Department of Public Welfare;
- (h) "field worker" means a person employed as such by the Department of Public Welfare or any other employee of the Department whom the Minister designates as such;
- (i) "Minister" means the Minister of Public Welfare;
- (j) "mother" means the mother of a dependent child;
- (k) "recipient" means a person to whom an allowance is provided;
- (l) "regional administrator" means a regional welfare administrator or any other employee of the Department of Public Welfare whom the Minister designates as such for the purposes of this Act;
- (m) "regulations" means the regulations made under this Act.

Agreements  
with  
Canada

**2.** Where the Minister, with the approval of the Lieutenant Governor in Council, has made an agreement on behalf of the Government of Ontario with the Crown in right of Canada respecting the payment by Canada to Ontario, in accordance with the *Canada Assistance Act, 1966* and the regulations made under it, of any portion of any expenditures made by Ontario pursuant to this Act and the regulations thereunder and for any reason the Government of Canada ceases to make the contributions provided for under the *Canada Assistance Act, 1966* or fails to carry out the agreement, all benefits under this Act shall cease.

Duties of  
Director

**3.—(1)** The Director shall,

- (a) receive applications for benefits; and
- (b) determine the eligibility of each applicant to receive a benefit and, where the applicant is eligible, determine the amount of the allowance or other benefit and direct provision thereof accordingly, and may from time to time vary any amount so determined.

Acting  
Director

(2) Where the Director is absent or there is a vacancy in the office, his powers and duties shall be exercised and performed by such civil servant as the Minister designates.

4. The Director, every regional administrator and every field worker is, in the performance of his duties under this Act, a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*. Power to take affidavits  
R.S.O. 1960,  
c. 59

5. An allowance, No attachment, etc., of allowances

(a) is not subject to alienation or transfer by the recipient; and

(b) is not subject to attachment or seizure in satisfaction of any claim against the recipient.

6. The receipt of a benefit does not by itself constitute a disqualification of the recipient or beneficiary from voting at any provincial or municipal election. Voting rights

7.—(1) An allowance shall and other benefits may be provided in accordance with the regulations to any person in need who is resident in Ontario as determined by the regulations and, Who entitled to an allowance and other benefits

(a) who has attained the age of sixty-five years and who is not in receipt of a pension under the *Old Age Security Act* (Canada); or R.S.C. 1952,  
c. 200

(b) who has attained the age of sixty years but has not attained the age of sixty-five years and is a widow, an unmarried woman, or a woman,

(i) whose husband is a patient in an institution under *The Mental Hospitals Act*, a sanatorium under *The Sanatoria for Consumptives Act*, a hospital for the chronically ill or a nursing home, or a resident in a home for the aged under *The Homes for the Aged Act* or *The Charitable Institutions Act, 1962-63*, and has been a patient or resident therein, as the case may be, for a continuous period of six months or more, R.S.O. 1960,  
cc. 236, 359  
R.S.O. 1960,  
c. 174  
1962-63,  
c. 11

(ii) whose husband has deserted her for three months or more and his whereabouts is unknown,

(iii) whose husband is imprisoned in a penal institution and at the date of application has a term of imprisonment remaining to be served of six months or more,

(iv) who is divorced and has not remarried, or

(v) who is living separate and apart from her husband and has been living separate and apart from him for a continuous period of five years or more; or

(c) who has attained the age of eighteen years and is blind or otherwise disabled as defined by the regulations and is not in receipt of a pension under the *Old Age Security Act* (Canada); or

R.S.C. 1952,  
c. 200

(d) who is a mother with a dependent child and,

(i) who is a widow, or

(ii) whose husband has deserted her for three months or more, or

(iii) whose husband has deserted her and was a dependent father at the time of the desertion, or

(iv) whose husband is a patient in a sanatorium, hospital or similar institution, or

(v) whose husband is imprisoned in a penal institution and at the date of the application has a term of imprisonment remaining to be served of six months or more, or

(vi) who is divorced from the father of her dependent child and has not remarried, or

(vii) whose dependent child was born out of wedlock, where the mother is sixteen years or more of age and her dependent child is three months or more of age; or

(e) who is a dependent father with a dependent child and,

(i) who lives with the mother of his dependent child, or

(ii) whose wife has deserted him, or

(iii) whose wife is a patient in a sanatorium, hospital or similar institution, or is imprisoned in a penal institution, or

(iv) who is a widower; or



(f) who is a foster-mother with a foster child.

(2) No benefit shall be provided in respect of a dependent child who is under eighteen years of age and who is not attending school, unless the dependent child, Qualifications for children

(a) is of pre-school age; or

(b) is unable to attend school by reason of mental or physical disability; or

(c) is on vacation from school and the Director is satisfied that the dependent child will return to school at the end of the vacation period.

(3) Any benefit may be suspended or cancelled if the recipient fails to comply with any requirement of this Act or the regulations. Failure to comply with Act and regulations

**8.**—(1) In cases presenting special circumstances and in which investigation shows the advisability of an allowance being provided to an applicant who is not eligible for an allowance, the Lieutenant Governor in Council may direct that an allowance be provided to the applicant. Special cases

(2) The Director may determine the amount of any allowance directed to be provided under subsection 1 and may from time to time vary the amount so determined. Variation of amount

(3) Every person who is provided with an allowance under subsection 1 is eligible for other benefits as if he were eligible under subsection 1 of section 7. Additional benefits

**9.** A benefit shall be provided only after the receipt by the Director of an application therefor in the prescribed form. Application

**10.**—(1) Where a recipient dies, his allowance shall be paid to the end of the month in which he died. Where recipient dies

(2) In the case of a recipient, Where allowance may be paid to a trustee, etc.

(a) for whom a committee or trustee is acting; or

(b) who, in the opinion of the Director, is using or is likely to use his allowance otherwise than for his own benefit, or is incapacitated or is incapable of handling his affairs,

the Director may appoint a person to act for the recipient, and the allowance may be paid for the benefit of the recipient to the committee or trustee or to the person so appointed.

## Compensation

(3) A person acting for a recipient under subsection 2 is not entitled to any fee or other compensation or reward or to any reimbursement for any costs or expenses incurred by him.

## Board of review

**11.**—(1) The Minister shall appoint a board of review, consisting of such number of members as are prescribed by the regulations, and shall designate one of the members as chairman.

## Review

(2) Any applicant or recipient may request a hearing and review by the board of review of a decision, order or directive of the Director affecting the applicant or recipient, as the case may be.

## Powers of review

(3) Where a hearing and review are requested, the board of review shall hold a hearing and may by its order direct the Director to make such decision as the Director is authorized to make under this Act and as the board of review deems proper, and thereupon the Director shall act accordingly.

## Order final

(4) The order of the board of review is final, but a further application for a benefit may be made by the applicant upon new or other evidence or where it is clear that material circumstances have changed.

## Offences

**12.**—(1) No person shall knowingly obtain or receive a benefit that he is not entitled to obtain or receive under this Act and the regulations.

## Idem

(2) No person shall knowingly aid or abet another person to obtain or receive a benefit that such other person is not entitled to obtain or receive under this Act and the regulations.

## Idem

(3) Every person who contravenes subsection 1 or 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 or to imprisonment for a term of not more than six months, or to both fine and imprisonment.

## Regulations

**13.** The Lieutenant Governor in Council may make such regulations with respect to benefits as are deemed necessary for carrying out the purposes of this Act, and in particular,

(a) defining person in need, blind person, disabled person and permanently unemployable person;

(b) defining classes of educational institutions for the purpose of clause *e* of section 1;



- (c) prescribing additional duties of the Director;
- (d) prescribing the duties of regional administrators and field workers;
- (e) determining residence for the purposes of section 7;
- (f) governing the manner of applying for benefits;
- (g) prescribing the material or proof of any fact, including evidence under oath, that is to be furnished before a benefit is provided or while a benefit is being provided;
- (h) designating the number of members of the board of review, and prescribing its procedures;
- (i) establishing a medical advisory board of one or more persons to advise the Director in the performance of his duties;
- (j) designating benefits or classes of benefits;
- (k) prescribing the maximum amounts of benefits;
- (l) prescribing the manner of computing the amount of benefits;
- (m) prescribing the manner in which and the times and intervals at which an allowance is to be provided;
- (n) providing for the suspension, cancellation, reinstatement and transfer of allowances and other benefits;
- (o) prescribing standards of eligibility for benefits in addition to those mentioned in this Act;
- (p) prescribing classes of persons, in addition to those mentioned in this Act, to whom benefits may be provided;
- (q) requiring and providing for rehabilitation measures;
- (r) providing for the making of investigations for the purposes of this Act of applicants for or recipients or beneficiaries of benefits;
- (s) prescribing forms and providing for their use.

**14.—(1)** In this section, “predecessor Act” means any of the following: Interpretation

- R.S.O. 1960,  
c. 35      1. *The Blind Persons' Allowances Act.*
- R.S.O. 1960,  
c. 107      2. *The Disabled Persons' Allowances Act.*
- R.S.O. 1960,  
c. 164, s. 7a  
(1962-63,  
c. 53, s. 4)      3. Section 7a of *The General Welfare Assistance Act*,  
as enacted by section 4 of *The General Welfare  
Assistance Amendment Act, 1962-63.*
- R.S.O. 1960,  
c. 247      4. *The Mothers' Allowances Act.*
- 1962-63,  
c. 86      5. *The Mothers' and Dependent Children's Allowances  
Amendment Act, 1962-63.*
- 1964, c. 65      6. *The Mothers' Allowances Amendment Act, 1964.*
- R.S.O. 1960,  
c. 267      7. *The Old Age Assistance Act.*

New applications      (2) After this Act comes into force, applications for benefits shall be made under this Act and not under any predecessor Act.

Pending applications      (3) Any application pending under any predecessor Act when this Act comes into force may be deemed for all purposes to be an application under this Act.

Transfers      (4) Where a person is a recipient under a predecessor Act when this Act comes into force, he shall, if eligible therefor, be paid an allowance under this Act, and his eligibility therefor shall be determined in so far as is possible in accordance with the information contained in the application and other documents on file under the predecessor Act.

Idem      (5) Notwithstanding subsection 4, a recipient under a predecessor Act shall not be transferred under subsection 4 if to do so would result in a reduction of his allowance at the time of his transfer.

Assistance limited      (6) A recipient under this Act is not entitled to assistance or an allowance under any predecessor Act.

Moneys      **15.** The moneys required to provide benefits and for the administration of this Act shall, until the 31st day of March, 1967, be paid out of the Consolidated Revenue Fund, and thereafter out of the moneys appropriated therefor by the Legislature.

Repeal      **16.** The Lieutenant Governor by his proclamation may from time to time repeal any of the predecessor Acts mentioned in subsection 1 of section 14.

**17.** This Act comes into force on a day to be named by <sup>Commence-</sup>  
the Lieutenant Governor by his proclamation. <sup>ment</sup>

**18.** This Act may be cited as *The Family Benefits Act, 1966*. <sup>Short title</sup>

An Act to provide  
Benefits to Persons and Families in Need

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*1st Reading*

June 16th, 1966

*2nd Reading*

*3rd Reading*

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MR. CECILE

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# **BILL 179**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to provide Benefits to Persons and Families in Need**

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**MR. CECILE**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**





**BILL 179** *an Act to provide for the payment of allowances to persons in need* **1966**

## An Act to provide Benefits to Persons and Families in Need

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

**Interpre-  
tation**

- (a) "allowance" means an allowance provided on the basis of need under this Act and the regulations;
- (b) "applicant" means a person who applies, or on whose behalf an application is made, for one or more benefits;
- (c) "beneficiary" means a person on whose behalf a benefit is provided;
- (d) "benefit" means a benefit provided on the basis of need under this Act and the regulations, and includes an allowance;
- (e) "dependent child" means a person who resides in Ontario and,
  - (i) is supported by his mother, dependent father or the person who stands *in loco parentis* to him,
  - (ii) is under twenty-one years of age, and
  - (iii) attends an educational institution of a class defined by the regulations and is making satisfactory progress with his studies;
- (f) "dependent father" means a father who is permanently unemployable by reason of physical or mental disability, and includes a father who is blind or otherwise disabled as defined by the regulations;

- (g) "Director" means the Director of the Family Benefits Branch of the Department of Public Welfare;
- (h) "field worker" means a person employed as such by the Department of Public Welfare or any other employee of the Department whom the Minister designates as such;
- (i) "Minister" means the Minister of Public Welfare;
- (j) "mother" means the mother of a dependent child;
- (k) "recipient" means a person to whom an allowance is provided;
- (l) "regional administrator" means a regional welfare administrator or any other employee of the Department of Public Welfare whom the Minister designates as such for the purposes of this Act;
- (m) "regulations" means the regulations made under this Act.

#### Agreements with Canada

**2.** Where the Minister, with the approval of the Lieutenant Governor in Council, has made an agreement on behalf of the Government of Ontario with the Crown in right of Canada respecting the payment by Canada to Ontario, in accordance with the *Canada Assistance Plan* and the regulations made under it, of any portion of any expenditures made by Ontario pursuant to this Act and the regulations thereunder and for any reason the Government of Canada ceases to make the contributions provided for under the *Canada Assistance Plan* or fails to carry out the agreement, all benefits under this Act shall cease.

#### Duties of Director

**3.—(1)** The Director shall,

- (a) receive applications for benefits; and
- (b) determine the eligibility of each applicant to receive a benefit and, where the applicant is eligible, determine the amount of the allowance or other benefit and direct provision thereof accordingly, and may from time to time vary any amount so determined.

#### Acting Director

(2) Where the Director is absent or there is a vacancy in the office, his powers and duties shall be exercised and performed by such civil servant as the Minister designates.

4. The Director, every regional administrator and every field worker is, in the performance of his duties under this Act, a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*. Power to take affidavits  
R.S.O. 1960, c. 59

5. An allowance, No attachment, etc., of allowances

(a) is not subject to alienation or transfer by the recipient; and

(b) is not subject to attachment or seizure in satisfaction of any claim against the recipient.

6. The receipt of a benefit does not by itself constitute a disqualification of the recipient or beneficiary from voting at any provincial or municipal election. Voting rights

7.—(1) An allowance shall and other benefits may be provided in accordance with the regulations to any person in need who is resident in Ontario as determined by the regulations and, Who entitled to an allowance and other benefits

(a) who has attained the age of sixty-five years and who is not in receipt of a pension under the *Old Age Security Act* (Canada); or R.S.C. 1952, c. 200

(b) who has attained the age of sixty years but has not attained the age of sixty-five years and is a widow, an unmarried woman, or a woman,

(i) whose husband is a patient in an institution under *The Mental Hospitals Act*, a sanatorium under *The Sanatoria for Consumptives Act*, a hospital for the chronically ill or a nursing home, or a resident in a home for the aged under *The Homes for the Aged Act* or *The Charitable Institutions Act, 1962-63*, and has been a patient or resident therein, as the case may be, for a continuous period of six months or more, R.S.O. 1960, cc. 236, 359  
R.S.O. 1960, c. 174  
1962-63, c. 11

(ii) whose husband has deserted her for three months or more and his whereabouts is unknown,

(iii) whose husband is imprisoned in a penal institution and at the date of application has a term of imprisonment remaining to be served of six months or more,

(iv) who is divorced and has not remarried, or



R.S.C. 1952,  
c. 200

- (v) who is living separate and apart from her husband and has been living separate and apart from him for a continuous period of five years or more; or
- (c) who has attained the age of eighteen years and is blind or otherwise disabled as defined by the regulations and is not in receipt of a pension under the *Old Age Security Act* (Canada); or
- (d) who is a mother with a dependent child and,
  - (i) who is a widow, or
  - (ii) whose husband has deserted her for three months or more, or
  - (iii) whose husband has deserted her and was a dependent father at the time of the desertion, or
  - (iv) whose husband is a patient in a sanatorium, hospital or similar institution, or
  - (v) whose husband is imprisoned in a penal institution and at the date of the application has a term of imprisonment remaining to be served of six months or more, or
  - (vi) who is divorced from the father of her dependent child and has not remarried, or
  - (vii) whose dependent child was born out of wedlock, where the mother is sixteen years or more of age and her dependent child is three months or more of age; or
- (e) who is a dependent father with a dependent child and,
  - (i) who lives with the mother of his dependent child, or
  - (ii) whose wife has deserted him, or
  - (iii) whose wife is a patient in a sanatorium, hospital or similar institution, or is imprisoned in a penal institution, or
  - (iv) who is a widower; or



(f) who is a foster-mother with a foster child.

(2) No benefit shall be provided in respect of a dependent child who is under eighteen years of age and who is not attending school, unless the dependent child, Qualifications for children

(a) is of pre-school age; or

(b) is unable to attend school by reason of mental or physical disability; or

(c) is on vacation from school and the Director is satisfied that the dependent child will return to school at the end of the vacation period.

(3) Any benefit may be suspended or cancelled if the recipient fails to comply with any requirement of this Act or the regulations. Failure to comply with Act and regulations

**8.**—(1) In cases presenting special circumstances and in which investigation shows the advisability of an allowance being provided to an applicant who is not eligible for an allowance, the Lieutenant Governor in Council may direct that an allowance be provided to the applicant. Special cases

(2) The Director may determine the amount of any allowance directed to be provided under subsection 1 and may from time to time vary the amount so determined. Variation of amount

(3) Every person who is provided with an allowance under subsection 1 is eligible for other benefits as if he were eligible under subsection 1 of section 7. Additional benefits

**9.** A benefit shall be provided only after the receipt by the Director of an application therefor in the prescribed form. Application

**10.**—(1) Where a recipient dies, his allowance shall be paid to the end of the month in which he died. Where recipient dies

(2) In the case of a recipient,

(a) for whom a committee or trustee is acting; or Where allowance may be paid to a trustee, etc.

(b) who, in the opinion of the Director, is using or is likely to use his allowance otherwise than for his own benefit, or is incapacitated or is incapable of handling his affairs,

the Director may appoint a person to act for the recipient, and the allowance may be paid for the benefit of the recipient to the committee or trustee or to the person so appointed.

Compensation

(3) A person acting for a recipient under subsection 2 is not entitled to any fee or other compensation or reward or to any reimbursement for any costs or expenses incurred by him.

Board of review

**11.**—(1) The Minister shall appoint a board of review, consisting of such number of members as are prescribed by the regulations, and shall designate one of the members as chairman.

Review

(2) Any applicant or recipient may request a hearing and review by the board of review of a decision, order or directive of the Director affecting the applicant or recipient, as the case may be.

Powers on review

(3) Where a hearing and review are requested, the board of review shall hold a hearing and may by its order direct the Director to make such decision as the Director is authorized to make under this Act and as the board of review deems proper, and thereupon the Director shall act accordingly.

Order final

(4) The order of the board of review is final, but a further application for a benefit may be made by the applicant upon new or other evidence or where it is clear that material circumstances have changed.

Offences

**12.**—(1) No person shall knowingly obtain or receive a benefit that he is not entitled to obtain or receive under this Act and the regulations.

Idem

(2) No person shall knowingly aid or abet another person to obtain or receive a benefit that such other person is not entitled to obtain or receive under this Act and the regulations.

Idem

(3) Every person who contravenes subsection 1 or 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 or to imprisonment for a term of not more than six months, or to both fine and imprisonment.

Regulations

**13.** The Lieutenant Governor in Council may make such regulations with respect to benefits as are deemed necessary for carrying out the purposes of this Act, and in particular,

(a) defining person in need, blind person, disabled person and permanently unemployable person;

(b) defining classes of educational institutions for the purpose of clause e of section 1;

- (c) prescribing additional duties of the Director;
- (d) prescribing the duties of regional administrators and field workers;
- (e) determining residence for the purposes of section 7;
- (f) governing the manner of applying for benefits;
- (g) prescribing the material or proof of any fact, including evidence under oath, that is to be furnished before a benefit is provided or while a benefit is being provided;
- (h) designating the number of members of the board of review, and prescribing its procedures;
- (i) establishing a medical advisory board of one or more persons to advise the Director in the performance of his duties;
- (j) designating benefits or classes of benefits;
- (k) prescribing the maximum amounts of benefits;
- (l) prescribing the manner of computing the amount of benefits;
- (m) prescribing the manner in which and the times and intervals at which an allowance is to be provided;
- (n) providing for the suspension, cancellation, reinstatement and transfer of allowances and other benefits;
- (o) prescribing standards of eligibility for benefits in addition to those mentioned in this Act;
- (p) prescribing classes of persons, in addition to those mentioned in this Act, to whom benefits may be provided;
- (q) requiring and providing for rehabilitation measures;
- (r) providing for the making of investigations for the purposes of this Act of applicants for or recipients or beneficiaries of benefits;
- (s) prescribing forms and providing for their use.

**14.—(1)** In this section, "predecessor Act" means any of the following: Interpretation



R.S.O. 1960,  
c. 35

1. *The Blind Persons' Allowances Act.*

R.S.O. 1960,  
c. 107

2. *The Disabled Persons' Allowances Act.*

R.S.O. 1960,  
c. 164, s. 7a  
(1962-63,  
c. 53, s. 4)

3. Section 7a of *The General Welfare Assistance Act*, as enacted by section 4 of *The General Welfare Assistance Amendment Act, 1962-63.*

R.S.O. 1960,  
c. 247

4. *The Mothers' Allowances Act.*

1962-63,  
c. 86

5. *The Mothers' and Dependent Children's Allowances Amendment Act, 1962-63.*

1964, c. 65

6. *The Mothers' Allowances Amendment Act, 1964.*

R.S.O. 1960,  
c. 267

7. *The Old Age Assistance Act.*

New  
applications

(2) After this Act comes into force, applications for benefits shall be made under this Act and not under any predecessor Act.

Pending  
applications

(3) Any application pending under any predecessor Act when this Act comes into force may be deemed for all purposes to be an application under this Act.

Transfers

(4) Where a person is a recipient under a predecessor Act when this Act comes into force, he shall, if eligible therefor, be paid an allowance under this Act, and his eligibility therefor shall be determined in so far as is possible in accordance with the information contained in the application and other documents on file under the predecessor Act.

Idem

(5) Notwithstanding subsection 4, a recipient under a predecessor Act shall not be transferred under subsection 4 if to do so would result in a reduction of his allowance at the time of his transfer.

Assistance  
limited

(6) A recipient under this Act is not entitled to assistance or an allowance under any predecessor Act.

Moneys

**15.** The moneys required to provide benefits and for the administration of this Act shall, until the 31st day of March, 1967, be paid out of the Consolidated Revenue Fund, and thereafter out of the moneys appropriated therefor by the Legislature.

Repeal

**16.** The Lieutenant Governor by his proclamation may from time to time repeal any of the predecessor Acts mentioned in subsection 1 of section 14.

**17.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-  
ment</sup>

**18.** This Act may be cited as *The Family Benefits Act, 1966*. <sup>Short title</sup>



An Act to provide  
Benefits to Persons and Families in Need

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*1st Reading*

June 16th, 1966

*2nd Reading*

June 22nd, 1966

*3rd Reading*

June 29th, 1966

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MR. CECILE

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# **BILL 180**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Child Welfare Act, 1965**

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**MR. CECILE**

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### EXPLANATORY NOTES

SECTIONS 1 and 2. The time for preparation of estimates of expenditures is advanced until after the close of the previous year to permit the inclusion of deficits or surpluses. Other time limits are correspondingly advanced.

**BILL 180** 1965 1966

**An Act to amend The Child Welfare Act, 1965**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 8 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor: 1965,  
c. 14, s. 8,  
subs. 2,  
re-enacted
  - (2) Every children's aid society shall, before the 15th day of February in each year, prepare in the prescribed form and file with the Director an estimate of its expenditures for operating costs as defined by the regulations for the current year. Estimate of  
expenditures
- 2.—(1) Subsection 1 of section 9 of *The Child Welfare Act, 1965* is amended by striking out "31st day of December" in the second and third lines and inserting in lieu thereof "last day of February", so that the subsection shall read as follows: 1965,  
c. 14, s. 9,  
subs. 1,  
amended
  - (1) Subject to section 10, the estimate of expenditures of a children's aid society shall be submitted, before the last day of February, to the council of each municipality in the area in which the society has jurisdiction, and, where the estimate is prepared in accordance with the prescribed standards, the municipal council shall grant its approval to the necessary expenditures. Approval  
by council
  - (2) Subsection 2 of the said section 9 is amended by striking out "February" in the third line and inserting in lieu thereof "April", so that the subsection shall read as follows: 1965,  
c. 14, s. 9,  
subs. 2,  
amended
  - (2) Every estimate of expenditures prepared under section 8 shall be submitted to the Minister after it is approved under subsection 1 and before the 25th day of April, and the estimate is subject to the approval of the Minister. Approval by  
Minister

1965,  
c. 14, s. 12,  
subs. 1,  
cl. a,  
amended

**3.—**(1) Clause *a* of subsection 1 of section 12 of *The Child Welfare Act, 1965* is amended by striking out "40" in the first line and inserting in lieu thereof "60", so that the clause shall read as follows:

- (a) 60 per cent of the part of the approved estimate referable to operating costs, other than the operating costs referred to in clause *b*; and

1965,  
c. 14, s. 12,  
subs. 2,  
amended

(2) Subsection 2 of the said section 12 is amended by striking out "60" in the third line and inserting in lieu thereof "40", so that the subsection shall read as follows:

Payments  
by munici-  
pality

- (2) Every municipality shall pay to the children's aid society having jurisdiction in the municipality an amount equal to 40 per cent of the portion that is referable to the municipality of the approved estimate of operating costs other than for the care and maintenance of the children of unmarried mothers.

1965,  
c. 14, s. 12,  
subs. 4,  
re-enacted

(3) Subsection 4 of the said section 12 is repealed and the following substituted therefor:

Manner of  
payment

- (4) Any amount payable to a children's aid society under this section in respect of an approved estimate of expenditures shall be paid at such times and in such manner as are prescribed by the regulations.

1965, c. 14,  
amended

**4.** *The Child Welfare Act, 1965* is amended by adding thereto the following section:

Costs of  
care and  
services for  
Indians

- 12a.** Where an agreement is entered into with the Crown in right of Canada providing for contribution by Canada to Ontario for the payment of the costs of the care and services provided by children's aid societies for Indians, Ontario shall pay to children's aid societies 100 per cent of the costs of such care and services, determined and paid in the manner prescribed by the regulations, and any Indians to which the agreement applies shall not be computed for the purposes of subsection 3 of section 8, and the amount paid to a children's aid society under this section shall be deducted from the operating costs to which section 12 applies.

1965,  
c. 14, s. 87,  
amended

**5.—**(1) Section 87 of *The Child Welfare Act, 1965* is amended by adding thereto the following clauses:



SECTION 3—Subsections 1 and 2. The amendments change the provincial contribution to operating costs of children's aid societies from 40 per cent to 60 per cent. The municipal share is changed from 60 per cent to 40 per cent.

Subsection 3. The method of paying the estimates is now required to be in equal monthly instalments. This is changed to be determined by the regulations as complementary to sections 1 and 2 of the Bill.

SECTION 4. The new section provides for the payment of the costs of children's aid societies in respect of Indians where there is federal contribution under an agreement entered into under *The Indian Welfare Services Act*.

SECTION 5—Subsection 1. Complementary to section 3 (2) and section 4 of the Bill.

Subsection 2. The amendment corrects an erroneous reference to a section number.

(ha) prescribing the manner of determining and paying the costs of care and services provided by children's aid societies for Indians for the purposes of section 12a;

(hb) prescribing the times and manner of payment of approved estimates of expenditures, including advances before estimates of expenditures are approved.

(2) Clause *i* of the said section 87 is amended by striking<sup>1965,</sup> out "14" in the second line and inserting in lieu thereof "16",<sup>c. 14, s. 87,</sup> so that the clause shall read as follows:<sup>cl. i,</sup><sup>amended</sup>

(i) prescribing special needs of children for which joint facilities may be established under section 16.

**6.**—(1) This Act, except section 4, comes into force on a day to be named by the Lieutenant Governor by his proclamation.<sup>Commence-  
ment</sup>

(2) Section 4 shall be deemed to have come into force on the 1st day of April, 1966.<sup>Idem</sup>

**7.** This Act may be cited as *The Child Welfare Amendment Act, 1966*.<sup>Short title</sup>

An Act to amend  
The Child Welfare Act, 1965

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*1st Reading*

June 16th, 1966

*2nd Reading*

*3rd Reading*

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MR. CECILE

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# **BILL 180**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Child Welfare Act, 1965**

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**MR. CECILE**

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## An Act to amend The Child Welfare Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 8 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor: 1965, c. 14, s. 8, subs. 2, re-enacted

- (2) Every children's aid society shall, before the 15th day of February in each year, prepare in the prescribed form and file with the Director an estimate of its expenditures for operating costs as defined by the regulations for the current year. Estimate of expenditures

2.—(1) Subsection 1 of section 9 of *The Child Welfare Act, 1965* is amended by striking out "31st day of December" in the second and third lines and inserting in lieu thereof "last day of February", so that the subsection shall read as follows: 1965, c. 14, s. 9, subs. 1, amended

- (1) Subject to section 10, the estimate of expenditures of a children's aid society shall be submitted, before the last day of February, to the council of each municipality in the area in which the society has jurisdiction, and, where the estimate is prepared in accordance with the prescribed standards, the municipal council shall grant its approval to the necessary expenditures. Approval by council

(2) Subsection 2 of the said section 9 is amended by striking out "February" in the third line and inserting in lieu thereof "April", so that the subsection shall read as follows: 1965, c. 14, s. 9, subs. 2, amended

- (2) Every estimate of expenditures prepared under section 8 shall be submitted to the Minister after it is approved under subsection 1 and before the 25th day of April, and the estimate is subject to the approval of the Minister. Approval by Minister

1965,  
c. 14, s. 12,  
subs. 1,  
cl. a,  
amended

**3.**—(1) Clause *a* of subsection 1 of section 12 of *The Child Welfare Act, 1965* is amended by striking out “40” in the first line and inserting in lieu thereof “60”, so that the clause shall read as follows:

- (a) 60 per cent of the part of the approved estimate referable to operating costs, other than the operating costs referred to in clause *b*; and

1965,  
c. 14, s. 12,  
subs. 2,  
amended

(2) Subsection 2 of the said section 12 is amended by striking out “60” in the third line and inserting in lieu thereof “40”, so that the subsection shall read as follows:

Payments  
by muni-  
cipality

- (2) Every municipality shall pay to the children's aid society having jurisdiction in the municipality an amount equal to 40 per cent of the portion that is referable to the municipality of the approved estimate of operating costs other than for the care and maintenance of the children of unmarried mothers.

1965,  
c. 14, s. 12,  
subs. 4,  
re-enacted

(3) Subsection 4 of the said section 12 is repealed and the following substituted therefor:

Manner of  
payment

- (4) Any amount payable to a children's aid society under this section in respect of an approved estimate of expenditures shall be paid at such times and in such manner as are prescribed by the regulations.

1965, c. 14,  
amended

**4.** *The Child Welfare Act, 1965* is amended by adding thereto the following section:

Costs of  
care and  
services for  
Indians

- 12a. Where an agreement is entered into with the Crown in right of Canada providing for contribution by Canada to Ontario for the payment of the costs of the care and services provided by children's aid societies for Indians, Ontario shall pay to children's aid societies 100 per cent of the costs of such care and services, determined and paid in the manner prescribed by the regulations, and any Indians to which the agreement applies shall not be computed for the purposes of subsection 3 of section 8, and the amount paid to a children's aid society under this section shall be deducted from the operating costs to which section 12 applies.

1965,  
c. 14, s. 87,  
amended

**5.**—(1) Section 87 of *The Child Welfare Act, 1965* is amended by adding thereto the following clauses:

(ha) prescribing the manner of determining and paying the costs of care and services provided by children's aid societies for Indians for the purposes of section 12a;

(hb) prescribing the times and manner of payment of approved estimates of expenditures, including advances before estimates of expenditures are approved.

(2) Clause *i* of the said section 87 is amended by striking out "14" in the second line and inserting in lieu thereof "16", so that the clause shall read as follows: <sup>1965, c. 14, s. 87, cl. i, amended</sup>

(i) prescribing special needs of children for which joint facilities may be established under section 16.

**6.**—(1) This Act, except section 4, comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-ment</sup>

(2) Section 4 shall be deemed to have come into force on the 1st day of April, 1966. <sup>Idem</sup>

**7.** This Act may be cited as *The Child Welfare Amendment Act, 1966*. <sup>Short title</sup>







An Act to amend  
The Child Welfare Act, 1965

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*1st Reading*

June 16th, 1966

*2nd Reading*

June 22nd, 1966

*3rd Reading*

June 29th, 1966

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Mr. CECILE

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# **BILL 181**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Public Schools Act**

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**MR. GISBORN**

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## EXPLANATORY NOTE

Members of public school boards of trustees are added to the persons who are school visitors.

BILL 181

1966

## An Act to amend The Public Schools Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 8 of *The Public Schools Act* <sup>R.S.O. 1960, c. 330, s. 8, subs. 1, amended</sup> is amended by inserting after "Assembly" in the first line "members of boards of public school trustees", so that the subsection shall read as follows:

- (1) Judges, members of the Assembly, members of <sup>Public school visitors</sup> boards of public school trustees, and members of municipal councils, are school visitors in the municipalities where they respectively reside, and every clergyman is a school visitor in the municipality where he has pastoral charge.

2. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

3. This Act may be cited as *The Public Schools Amendment* <sup>Short title</sup> *Act, 1966.*



An Act to amend  
The Public Schools Act

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*1st Reading*

June 20th, 1966

*2nd Reading*

*3rd Reading*

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MR. GISBORN

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# **BILL 182**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Drainage Act, 1962-63**

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**MR. SPOONER**

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#### EXPLANATORY NOTES

SECTION 1. The amendment provides for the abandonment of a part of a drainage works and authorizes the council of the initiating municipality to send a notice of abandonment without any written request.

SECTION 2. Self-explanatory.

## An Act to amend The Drainage Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 60 of *The Drainage Act, 1962-63* <sup>1962-63, c. 39, s. 60, subs. 1, re-enacted</sup> is repealed and the following substituted therefor:

- (1) Upon the written request of three-quarters of the owners of land assessed for benefit in respect of a drainage works, who, according to the last revised assessment roll, own not less than three-quarters of the area assessed for benefit as shown in the by-law or by-laws under which the drainage works exist, asking for the abandonment of such drainage works or a part thereof, the council of the initiating municipality shall forthwith notify all owners of land assessed for the drainage works by prepaid mail, at their addresses as shown in the last revised assessment roll, of its intention to abandon such drainage works, or such part thereof as is specified in the notice, unless any owner, within ten days of the mailing of such notice, gives to the clerk of the municipality written notice that he requires a report of an engineer to be made on such proposed abandonment, or the council of the initiating municipality may give such notice of its intention to abandon a drainage works or such part thereof as is specified in the notice without any written request. <sup>Abandonment of all or part of drainage works</sup>

2. Subsection 5 of section 66 of *The Drainage Act, 1962-63* <sup>1962-63, c. 39, s. 66, subs. 5, amended</sup> is amended by adding at the end thereof "and expenses for secretarial services", so that the subsection shall read as follows:

- (5) The referee or an acting referee shall be paid such remuneration as the Lieutenant Governor in Council determines, together with his reasonable travelling expenses and expenses for secretarial services. <sup>Salary</sup>

1962-63,  
c. 39, s. 77,  
subs. 1,  
amended

**3.—**(1) Subsection 1 of section 77 of *The Drainage Act, 1962-63* is amended by inserting after "referee" in the sixth line "or court", so that the subsection shall read as follows:

Assessing  
damages  
and costs  
payable by  
municipalities

- (1) Except as provided by subsections 2, 3 and 4, all damages and costs payable by a municipality and arising from proceedings taken under this Act shall be levied upon the lands and roads in any way assessed for the drainage works for construction, improvement or maintenance, in such manner as the referee or court determines, and may be assessed, levied and collected in the same manner as rates assessed, levied and collected for maintenance under this Act.

1962-63,  
c. 39, s. 77,  
subs. 3,  
amended

(2) Subsection 3 of the said section 77 is amended by inserting after "referee" in the fourth line and in the fifth line "or court", so that the subsection shall read as follows:

In cases of  
settlement

- (3) Where in any such proceedings by or against a municipality a settlement is made, the damages and costs payable under the terms of the settlement by any municipality shall be borne and paid as directed by the referee or court, and in making such direction the referee or court shall have regard to the provisions of subsection 2.

1962-63,  
c. 39, s. 77,  
subs. 4,  
amended

(3) Subsection 4 of the said section 77 is amended by inserting after "referee" in the first line and in the fifth line "or court", so that the subsection shall read as follows:

Where  
extension  
of drainage  
works  
necessary

- (4) Where, in the opinion of the referee or court, damages and costs have become payable by reason of the insufficiency of the capacity or outlet of a drainage works and it is necessary in order to prevent a continuance of such damage to improve the drainage works, the referee or court may permit the council of the municipality to add such damages and costs to the engineer's estimate of the cost of any such improvement, and in such case the engineer shall include the amount of such damages and costs in his estimate of the cost of the improvement of the drainage works.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Drainage Amendment Act, 1966*.



SECTION 3. The amendments make subsections 1, 3 and 4 of section 77 consistent with subsection 2 where court is specifically mentioned. This is to take into account the concurrent jurisdiction in the courts and the referee.





An Act to amend  
The Drainage Act, 1962-63

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*1st Reading*

June 21st, 1966

*2nd Reading*

*3rd Reading*

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MR. SPOONER

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# **BILL 182**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Drainage Act, 1962-63**

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**MR. SPOONER**

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**TORONTO**

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THE UNIVERSITY OF CHICAGO

BILL 182

1966

## An Act to amend The Drainage Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 60 of *The Drainage Act, 1962-63* is repealed and the following substituted therefor: 1962-63,  
c. 39, s. 60,  
subs. 1,  
re-enacted

- (1) Upon the written request of three-quarters of the owners of land assessed for benefit in respect of a drainage works, who, according to the last revised assessment roll, own not less than three-quarters of the area assessed for benefit as shown in the by-law or by-laws under which the drainage works exist, asking for the abandonment of such drainage works or a part thereof, the council of the initiating municipality shall forthwith notify all owners of land assessed for the drainage works by prepaid mail, at their addresses as shown in the last revised assessment roll, of its intention to abandon such drainage works, or such part thereof as is specified in the notice, unless any owner, within ten days of the mailing of such notice, gives to the clerk of the municipality written notice that he requires a report of an engineer to be made on such proposed abandonment, or the council of the initiating municipality may give such notice of its intention to abandon a drainage works or such part thereof as is specified in the notice without any written request. Abandonment of all or part of drainage works

2. Subsection 5 of section 66 of *The Drainage Act, 1962-63* is amended by adding at the end thereof "and expenses for secretarial services", so that the subsection shall read as follows: 1962-63,  
c. 39, s. 66,  
subs. 5,  
amended

- (5) The referee or an acting referee shall be paid such remuneration as the Lieutenant Governor in Council determines, together with his reasonable travelling expenses and expenses for secretarial services. Salary

1962-63,  
c. 39, s. 77,  
subs. 1,  
amended

**3.—**(1) Subsection 1 of section 77 of *The Drainage Act, 1962-63* is amended by inserting after "referee" in the sixth line "or court", so that the subsection shall read as follows:

Assessing  
damages  
and costs  
payable by  
municipi-  
palities

(1) Except as provided by subsections 2, 3 and 4, all damages and costs payable by a municipality and arising from proceedings taken under this Act shall be levied upon the lands and roads in any way assessed for the drainage works for construction, improvement or maintenance, in such manner as the referee or court determines, and may be assessed, levied and collected in the same manner as rates assessed, levied and collected for maintenance under this Act.

1962-63,  
c. 39, s. 77,  
subs. 3,  
amended

(2) Subsection 3 of the said section 77 is amended by inserting after "referee" in the fourth line and in the fifth line "or court", so that the subsection shall read as follows:

In cases of  
settlement

(3) Where in any such proceedings by or against a municipality a settlement is made, the damages and costs payable under the terms of the settlement by any municipality shall be borne and paid as directed by the referee or court, and in making such direction the referee or court shall have regard to the provisions of subsection 2.

1962-63,  
c. 39, s. 77,  
subs. 4,  
amended

(3) Subsection 4 of the said section 77 is amended by inserting after "referee" in the first line and in the fifth line "or court", so that the subsection shall read as follows:

Where  
extension  
of drainage  
works  
necessary

(4) Where, in the opinion of the referee or court, damages and costs have become payable by reason of the insufficiency of the capacity or outlet of a drainage works and it is necessary in order to prevent a continuance of such damage to improve the drainage works, the referee or court may permit the council of the municipality to add such damages and costs to the engineer's estimate of the cost of any such improvement, and in such case the engineer shall include the amount of such damages and costs in his estimate of the cost of the improvement of the drainage works.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Drainage Amendment Act, 1966*.









An Act to amend  
The Drainage Act, 1962-63

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*1st Reading*

June 21st, 1966

*2nd Reading*

June 23rd, 1966

*3rd Reading*

June 29th, 1966

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MR. SPOONER

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# **BILL 183**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Assessment Act**

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**MR. SPOONER**

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**TORONTO**

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#### EXPLANATORY NOTES

SECTION 1. The amendment is to make it clear that the exemption applies when lands are rented or leased to a public educational institution by a person already exempt from taxation.

SECTION 2. Section 61 of *The Local Improvement Act* is to be amended to provide that schools of school boards that have jurisdiction in more than one municipality become liable to local improvement assessments. *The Municipal Act* is being amended to make such school boards liable to special rates for public utility undertakings, which are comparable to local improvements. The new section 8a is complementary to these amendments.

SECTION 3. Under the present subsection, a person liable to business assessment can set aside an employee parking area and he is not liable for business assessment on land actually used for such purpose. Under the proposed amendment, only land that is reasonably necessary for such purpose is exempt, and the assessor will be able to determine what is reasonable for each particular business.

# **BILL 183** enacted by the Legislative Assembly of Ontario **1966**

## **An Act to amend The Assessment Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of paragraph 4 of section 4 of *The Assessment Act*, as enacted by subsection 1 of section 1 of *The Assessment Amendment Act, 1960-61*, is amended by adding at the end thereof "or a person already exempt from taxation in respect of the property rented or leased", so that the clause shall read as follows:

- (a) The exemption from taxation under this paragraph does not apply to lands rented or leased to an educational institution mentioned in this paragraph by any person other than another such institution or a person already exempt from taxation in respect of the property rented or leased.

When exemption not to apply

**2.** *The Assessment Act* is amended by adding thereto the following section:

R.S.O. 1960, c. 23, s. 4, amended

- 8a. The exemptions provided for by section 4 are subject to the provisions of paragraph 52 of subsection 1 of section 379 and section 380 of *The Municipal Act* as to the imposition of special rates on land, which would otherwise be exempt from such assessment under section 4, for the completion, improvement, alteration, enlargement or extension of any public utility undertaking or for the construction of sewage works or water works or the operation, repair and maintenance of sewage works.

Imposition of special rates  
R.S.O. 1960, c. 249

**3.** Subsection 2 of section 9 of *The Assessment Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 23, s. 9, subs. 2, re-enacted

- (2) Where any person liable to be assessed for business assessment carries on a business that, by reason of its nature or location, makes it reasonably necessary

Exception



for him to provide without charge parking for the vehicles of his employees, such person is not liable for business assessment on land reasonably necessary for such purpose as determined by the assessor.

R.S.O. 1960,  
c. 23, s. 16,  
subs. 1,  
amended

4. Subsection 1 of section 16 of *The Assessment Act* is amended by inserting after "county assessor" in the second line "and any assistants of and designated by any such assessment commissioner, assessor or county assessor", so that the subsection shall read as follows:

Right of  
access

- (1) The assessment commissioner, if any, every assessor of a municipality, the county assessor, and any assistants of and designated by any such assessment commissioner, assessor or county assessor, the commissioner and members of courts of revision, the county court judge, the members of the Ontario Municipal Board and officials of the Department shall at all reasonable times and upon reasonable request be given free access to all land and to all parts of every building, structure, machinery and fixture erected or placed upon, in, over, under or affixed to the land, for the purpose of making a proper assessment thereof or of making a proper business assessment in respect thereof.

R.S.O. 1960,  
c. 23, s. 20,  
subs. 2,  
amended

5. Subsection 2 of section 20 of *The Assessment Act* is amended by striking out Column 28 and by renumbering Column 27a, as enacted by subsection 1 of section 4 of *The Assessment Amendment Act, 1962-63*, as Column 28.

R.S.O. 1960,  
c. 23, s. 29,  
subss. 2, 3,  
re-enacted

6. Subsections 2 and 3 of section 29 of *The Assessment Act* are repealed and the following substituted therefor:

Register  
of census

- (2) The assessor shall enter the census in a register, which shall show the population in the age groups as required under subsection 1 in relation to each parcel separately assessed, and such register shall be according to the form and include the particulars prescribed by the Department.

Taking and  
return of  
census

- (3) The census shall be taken yearly on or before the 30th day of September and a summary thereof showing the total number of inhabitants according to the age groups set forth in subsection 1 shall be returned by the assessor to the clerk of the municipality not later in the same year than the 1st day of October.

SECTION 4. The same rights of access and information as are provided to assessors under section 16 are given to their assistants.

SECTION 5. Column 28 provides for the number of persons residing on the premises. Since the same information is obtained in the taking of the census, but in more detailed form, it does not appear to be any advantage to have a duplication of this information in both the assessment roll and in the census. Column 28 is, therefore, deleted.

SECTION 6. This amendment is complementary to the amendment to section 20 deleting Column 28 from the assessment roll. See section 5 of this Bill.

SECTION 7—Subsection 1. The amendment provides that the land of a golf course for which a fixed assessment may be given does not include buildings or structures or the land on which they are situate.

Subsection 2. The amendments provide for the termination of an agreement in respect of part of a golf course.

7.—(1) Subsection 1 of section 39 of *The Assessment Act* is amended by inserting after “course” in the third line “but not including the part of the land actually occupied by any building or structure or such building or structure”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 23, s. 39,  
subs. 1,  
amended

- (1) Any local municipality may enter into an agreement with the owner of a golf course for providing a fixed assessment for the land occupied as a golf course, but not including the part of the land actually occupied by any building or structure or such building or structure, to apply to taxation for general, school and special purposes, but not to apply to taxation for local improvements.

Agreement  
for fixed  
assessment  
for golf  
course

(2) Subsections 4, 5 and 6 of the said section 39 are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 23, s. 39,  
subs. 4-6,  
re-enacted

- (4) When an agreement is for any reason terminated as to the whole of the lands in respect of which the fixed assessment is given, the owner shall,

Termination  
of agree-  
ment, as  
to all of  
lands

(a) pay to the municipality the amount debited against the golf course, including the amounts of interest debited in accordance with clause *c* of subsection 2; or

(b) require the municipality to purchase the golf course for an amount equal to the fixed assessment.

- (5) When an agreement is for any reason terminated as to a part of the land in respect of which the fixed assessment is given, the owner shall,

as to part  
of lands

(a) pay to the municipality that portion of the amount debited against the golf course, including the amounts of interest debited in accordance with clause *c* of subsection 2, that is attributable to the portion of the golf course in respect of which the agreement is terminated; or

(b) require the municipality to purchase the part of the golf course in respect of which the agreement is terminated for an amount equal to the fixed assessment that is attributable to such part.



Agreement  
terminated  
when land  
ceases to be  
used as golf  
course

- (6) Where a golf course has a fixed assessment under an agreement under subsection 1, the agreement shall terminate as to the whole or any part of the land in respect of which the fixed assessment is given when the whole or any such part thereof ceases to be occupied for the purposes of a golf course.

Termination  
of agree-  
ment

- (7) Any agreement may be terminated on the 31st day of December in any year upon the owner of the golf course giving six months notice of such termination in writing to the municipality.

Dispute

- (8) Any dispute between the municipality and the owner of the golf course in relation to an agreement or this section shall be settled by the Ontario Municipal Board, and the decision of the Board is final.

R.S.O. 1960,  
c. 23, s. 41,  
subs. 1,  
cl. c,  
re-enacted

8.—(1) Clause *c* of subsection 1 of section 41 of *The Assessment Act* is repealed and the following substituted therefor:

- (c) "pipe line" means, subject to subsection 4, a pipe line for the transportation or transmission of gas that is designated by the owner as a transmission pipe line and a pipe line for the transportation or transmission of oil, and includes,

- (i) all valves, couplings, cathodic protection apparatus, protective coatings and casings,
- (ii) all haulage, labour, engineering and overheads in respect of such pipe line,
- (iii) any section, part or branch of any pipe line,
- (iv) any easement or right of way used by a pipe line company, and
- (v) any franchise or franchise right,

but does not include a pipe line or lines situate wholly within an oil refinery, oil storage depot, oil bulk plant or oil pipe line terminal.

R.S.O. 1960,  
c. 23, s. 41,  
subs. 2,  
repealed;  
subs. 3,  
re-enacted

(2) Subsections 2 and 3 of the said section 41 are repealed and the following substituted therefor:

Notice to  
municipalities

- (3) On or before the 1st day of July in each year, the pipe line company shall notify the clerk or the assessment commissioner of each local municipality of the



SECTION 8—Subsections 1 and 2. Under the proposed amendments, the owner will make the original designation of transmission lines and, if there is any question, an application can be made under subsection 4 to the Energy Board, which can then make a final determination.

Subsection 3 is revised to provide for notice to the municipalities.

Subsection 3. Subsections 6 and 7, which make a distinction between pipes installed before and after 1940, are re-enacted to provide for depreciation of all pipe lines.

Subsection 4. Self-explanatory.

SECTION 9. The amendment is for the purpose of clarification.

SECTION 10. An alternative procedure to entering on the assessment roll the dates of delivery of notices is provided where rolls are prepared by mechanical data processing equipment.

age, length and diameter of all its transmission pipe lines located in the municipality as of the 1st day of June of that year.

(3) Subsections 6 and 7 of the said section 41 are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 23, s. 41,  
subs. 6,  
re-enacted;  
subs. 7,  
repealed

(6) A pipe line shall be depreciated at the rate of 5 per cent of the assessed value of the pipe line every three years from the year of installation, with a maximum depreciation of 55 per cent.

Deprecia-  
tion of pipe  
lines

(4) The said section 41 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 23, s. 41,  
amended

(9a) Where a pipe line has been constructed and used for the transportation of oil or gas and ceases to be so used by reason of an order or regulation of an authority having jurisdiction in that behalf, other than the taxing authority, and an application to the proper authority for permission to abandon such pipe line has been refused, the assessment of such pipe line shall be reduced by 20 per cent so long as it is not used for the transportation of oil or gas.

Reduction  
of assess-  
ment on  
pipe line

9. Subsection 7 of section 43 of *The Assessment Act* is amended by striking out "and for accounting purposes shall be deemed to be taxes" in the third and fourth lines, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 23, s. 43,  
subs. 7,  
amended

(7) The payments received under subsections 3, 4 and 5 shall be credited by the municipality to the general fund of the municipality.

Credit to  
municipal  
general  
fund

10. Subsection 1 of section 48 of *The Assessment Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 23, s. 48,  
subs. 1,  
re-enacted

(1) The assessor or his assistant shall, prior to the completion of the assessment roll for the municipality or ward, as the case may be, deliver in the manner hereinafter provided to every person named therein, except persons entered on the roll under section 24, a notice (Form 2) of the sum or sums for which such person has been assessed and such other particulars as are mentioned in the Form, and shall enter in the roll opposite the name of the person the date of delivery of the notice or shall make one or more certificates to be attached to the roll or to any part of the roll certifying the date or dates upon which

Notice of  
assessment

the notices were delivered, and the entry, certificate and certificates are *prima facie* evidence of the delivery.

R.S.O. 1960,  
c. 23, s. 53,  
subs. 1,  
amended

**11.**—(1) Subsection 1 of section 53 of *The Assessment Act* is amended by striking out “and” at the end of clause *b*, by adding “and” at the end of clause *c* and by adding thereto the following clause:

- (*d*) the increase in value, as certified by the assessor, of any pipe line that ceases to be entitled to the reduction provided for in subsection 9*a* of section 41.

R.S.O. 1960,  
c. 23, s. 53,  
subs. 4,  
amended

(2) Subsection 4 of the said section 53 is amended by striking out “deliver to or send by registered mail” in the third and fourth lines and inserting in lieu thereof “deliver as provided for notices of assessment in subsections 2 and 3 of section 48”, so that the subsection shall read as follows:

Notice and  
appeals

- (4) Where an entry is made or is to be made in the collector’s roll under this section, the assessor shall, before the assessment is added to the collector’s roll, deliver as provided for notices of assessment in subsections 2 and 3 of section 48 to the person to be taxed a notice setting out the amount of the assessment and, where applicable, the amount of the assessment of real property liable to taxation under subsection 3, and the time within which an appeal may be made from such assessment, and the same rights in respect of appeal lie as if the assessment had been made in the usual way, but for the purposes of an appeal made from an assessment under this section the assessment roll shall be deemed to have been returned on the day such assessment is added to the collector’s roll.

R.S.O. 1960,  
c. 23, s. 53,  
amended

(3) The said section 53 is amended by adding thereto the following subsection:

Evidence of  
delivery of  
notice

- (4*a*) When a notice has been delivered under subsection 4, the assessor shall enter in the collector’s roll opposite the name of the person the date of delivery of the notice, and the entry is *prima facie* evidence of the delivery.

R.S.O. 1960,  
c. 23, s. 54,  
subs. 3,  
amended

**12.**—(1) Subsection 3 of section 54 of *The Assessment Act* is amended by striking out “deliver to or send by registered mail” in the fourth line and inserting in lieu thereof “deliver as provided for notices of assessment in subsections 2 and 3 of section 48”, so that the subsection shall read as follows:

SECTION 11—Subsection 1. The amendment is complementary to the new subsection 9a of section 41, which provides for a reduction in the assessment of a pipe line in certain cases when it ceases to be used for the transportation of oil or gas. The new clause *d* provides for adding to the collector's roll the amount of the reduction when the pipe line ceases to be entitled to such reduction.

Subsections 2 and 3. The amendments provide for the notice of supplementary assessments to be delivered in the same manner as the original notice of assessment.

SECTION 12. The amendments provide for the notice of supplementary assessments to be delivered in the same manner as the original notice of assessment.



SECTION 13. The amendment is to permit the use of mechanical equipment in the preparation of the assessment roll and is made in conjunction with an amendment to subsection 21 of section 72.

SECTION 14—Subsection 1. The amendment will require the clerk of the municipality to post up in his office as well as in some convenient and public place a list of assessment appeals.

- (3) Where an addition or amendment is made to the assessment roll under this section, the assessor shall, before the assessment is added to the roll or the roll is amended, deliver as provided for notices of assessment in subsections 2 and 3 of section 48 to the person assessed a notice setting out the amount of the assessment and, where applicable, the amount of the assessment of real property liable to taxation under subsection 3 of section 53, and the time within which an appeal may be made from such assessment, and the same rights in respect of appeal lie as if the assessment had been made in the usual way, but for the purposes of appeal from an assessment under this section the assessment roll shall be deemed to have been returned on the day such assessment is added to the assessment roll or the roll is amended.

Notice and  
appeals

- (2) The said section 54 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 23, s. 54,  
amended

- (3a) When a notice has been delivered under subsection 3, the assessor shall enter in the assessment roll opposite the name of the person the date of delivery of the notice, and the entry is *prima facie* evidence of the delivery.

Evidence of  
delivery of  
notice

**13.** Subsection 3 of section 59 of *The Assessment Act* is amended by striking out "and added up" in the third and fourth lines, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 23, s. 59,  
subs. 3,  
amended

- (3) The assessment commissioner or assessor shall on or before the day fixed for the return of the assessment roll deliver it to the clerk of the municipality completed, with the affidavit attached, and the clerk shall, immediately upon receipt of the roll, file it in his office, and it shall be open to inspection during office hours.

Roll to be  
delivered to  
clerk

**14.—(1)** Subsection 5 of section 72 of *The Assessment Act* is amended by inserting after "post up" in the first line "in his office and", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 23, s. 72,  
subs. 5,  
amended

- (5) The clerk of the municipality shall post up in his office and in some convenient and public place within the municipality or ward a list of all complainants, on their own behalf, against the assessor's return, and of all complainants on account of the assessment of other persons, stating the names of each, with a concise description of the matter complained against, together with an announcement of the time when the court will be held to hear the complaints.

Clerk to  
give notice  
by posting  
up list

R.S.O. 1960,  
c. 23, s. 72,  
subs. 21,  
re-enacted

(2) Subsection 21 of the said section 72, as amended by section 9 of *The Assessment Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Alteration  
of roll  
by clerk

(21) The clerk of the court of revision,

- (a) shall forthwith alter and amend the assessment roll in accordance with the decisions of the court of revision and shall write his name or initials against every alteration or amendment, and shall complete the roll by adding the same and inserting the total of such additions; or
- (b) where data processing equipment is used, shall forthwith cause to be prepared a new assessment roll, which shall include all changes made by the court of revision, and shall initial each entry in which a change has been made by the court of revision, and shall complete the roll by adding the same and inserting the total of such additions.

Appendix  
when new  
roll  
prepared

(21a) When a new assessment roll is prepared under clause *b* of subsection 21, the clerk of the court of revision shall also add as an appendix to the roll all entries that have been altered or amended in accordance with the decision of the court of revision as they appeared on the roll prior to such alteration or amendment.

R.S.O. 1960,  
c. 23, s. 72,  
subs. 22,  
re-enacted

(3) Subsection 22 of the said section 72 is repealed and the following substituted therefor:

Notice of  
decision

(22) When the court of revision has heard and decided an appeal, the clerk of the municipality shall within fourteen days cause notice of the decision in such appeal to be given,

- (a) where the appeal was as to the amount of the assessment, by registered mail; and
- (b) in the case of all other appeals, by ordinary mail,

to the persons to whom notice of the hearing of such appeal was given, and such notice shall state thereon that such decision may be appealed to the county judge within ten days of the mailing of the notice.

Notice  
where  
assessment  
\$25,000  
or more

(22a) When the court of revision has heard and decided an appeal and the assessment is in an amount of \$25,000 or more or has been increased by the court

Subsection 2. The amendments provide for the use of mechanical equipment in the preparation of the roll and are made in conjunction with an amendment to subsection 3 of section 59.

Subsection 3. At present, all notices of decisions in appeals are required to be sent by registered mail. The amendment to subsection 22 will permit all notices to be sent by ordinary mail except where the appeal was as to the amount of assessment, in which case the requirement for registered mail is retained.

The new subsection 22a provides for an addition to the form of notice where there is a direct appeal to the Ontario Municipal Board. See section 15 of this Bill.

SECTION 15. The amendments permit a direct appeal to the Ontario Municipal Board from the court of revision in cases where the assessment is over the stated amount.

SECTION 16—Subsection 1. The amendment provides which district assessor shall be the assessor in a municipality or locality that is situate in more than one territorial district.



of revision to an amount of \$25,000 or more, the notice under subsection 22 shall also state thereon that, if no appeal is taken to the county judge, such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice.

**15.—**(1) Section 83 of *The Assessment Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 23, s. 83,  
amended

(2a) Where an assessment is in an amount of \$25,000 or more or has been increased by the court of revision to an amount of \$25,000 or more and where no appeal is taken to the county judge, an appeal shall also lie to the Ontario Municipal Board from a decision of the court of revision in the same manner as an appeal under subsection 1 or 2. Appeals  
to O.M.B.

(2) Subsection 4 of the said section 83 is amended by striking out "this section" in the first line and inserting in lieu thereof "subsections 1 and 2", so that the subsection shall read as follows: R.S.O. 1960,  
c. 23, s. 83,  
subs. 4,  
amended

(4) A notice of appeal to the Board under subsections 1 and 2 shall, within twenty-one days after notice of the decision appealed from has been given under subsection 2 of section 82, be sent by the party appealing by registered mail to the secretary of the Board and to the persons to whom notice of the hearing before the judge was given. Notice of  
appeal  
under  
subs. 1, 2

(3) The said section 83 is further amended by adding thereto the following subsection: R.S.O. 1960,  
c. 23, s. 83,  
amended

(4a) A notice of appeal to the Board under subsection 2a shall, within twenty-one days after notice of the decision appealed from has been given under subsection 22 of section 72, be sent by the party appealing by registered mail to the secretary of the Board, to the assessment commissioner or, if none, to the clerk of the municipality and to all the persons appealed against. Notice of  
appeal  
under  
subs. 2a

**16.—**(1) Section 104 of *The Assessment Act*, as re-enacted by section 6 of *The Assessment Amendment Act, 1964* and amended by section 7 of *The Assessment Amendment Act, 1965*, is further amended by adding thereto the following subsection: R.S.O. 1960,  
c. 23, s. 104  
(1964,  
c. 4, s. 6),  
amended

(8a) Where a municipality or locality, other than a city, includes part of two or more territorial districts and a district assessor has been appointed for only one Where  
municipality  
or locality  
situate in  
more than  
one  
territorial  
district

of the territorial districts, the district assessor shall have all the powers, duties and privileges under this and every other Act of an assessor and an assessment commissioner, and he shall be deemed for the purposes of this and every other Act to be the assessor and assessment commissioner for the whole of the municipality or locality, and, where a municipality or locality, other than a city, includes parts of two or more territorial districts and district assessors have been appointed for two or more of such territorial districts, the district assessor of the territorial district in which the greater portion of the assessment of the municipality or locality is situate shall have all the powers, duties and privileges under this and every other Act of an assessor and an assessment commissioner, and he shall be deemed for the purposes of this and every other Act to be the assessor and assessment commissioner for the whole of the municipality or locality.

R.S.O. 1960,  
c. 23, s. 104  
(1964,  
c. 4, s. 6),  
subs. 14,  
amended

(2) Subsection 14 of the said section 104 is amended by striking out "that month" in the sixth line and inserting in lieu thereof "the following January", so that the subsection shall read as follows:

#### Budget

(14) The district assessor shall in December of each year prepare the budget of the estimated cost of his office for the ensuing year and of the proportion thereof chargeable to each municipality and locality and shall deliver a copy of the budget to each municipality and locality not later than the 15th day of the following January.

R.S.O. 1960,  
c. 23, s. 104  
(1964,  
c. 4, s. 6),  
subs. 16,  
amended

(3) Subsection 16 of the said section 104 is amended by striking out "January, April, July and October" in the ninth line and inserting in lieu thereof "February, May, August and November", so that the subsection shall read as follows:

#### Payments to assessor

(16) Every municipality and locality for which the district assessor is deemed to be the assessor shall in each year remit to the district assessor, by equal quarterly payments in advance, its proportion of the cost for that year as shown in the budget or, if the budget is appealed, as shown in the budget as corrected in accordance with the decision of the Minister, and such quarterly payments shall be made on or before the 15th days of February, May, August and November in each year, and, if any such quarterly payment is not made by such date, it shall bear interest at the rate of 6 per cent per annum until paid.

Subsections 2 and 3. Subsection 14 is amended to require the district assessor to submit his budget by the 15th day of January rather than the 15th day of December.

Subsection 16 is amended to provide that the quarterly payments to the district assessor shall commence on or before the 15th day of February rather than the 15th day of January.

SECTION 17. The new section 117a permits a certificate to be attached to the roll instead of initialling the roll. This provides an alternative procedure where mechanical data processing equipment is used.

SECTION 18. The fee of 25 cents for a certificate re current taxes is deleted.

SECTION 19. The amendment provides that, where a tax sale notice is sent to a corporation, a copy thereof shall be sent to the Public Trustee. This is to ensure that the sale does not purport to convey any interest in land that has been forfeited to the Crown.

SECTION 20. The Form is amended to refer to the new section 117a, which permits a certificate to be attached to the roll instead of initialling the roll.



**17.** *The Assessment Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 23,  
amended

117a.—(1) Instead of entering on the roll the date of the demand or of the delivery or mailing of the notice as required by sections 116 and 117, the collector may, at the time of such demand or notice, as the case may be, or immediately thereafter, make one or more certificates to be attached to the roll or to any part of the roll certifying the date or dates upon which the demands or notices in the roll or in the part were made, delivered or mailed. Certificates  
re dates of  
delivering  
notices

(2) Any such certificate is *prima facie* evidence of the making, delivery or mailing of such demand or notice. Evidence

**18.** Section 119 of *The Assessment Act* is amended by striking out “and the payment of a fee of 25 cents” in the second and third lines, so that the section shall read as follows: R.S.O. 1960,  
c. 23, s. 119,  
amended

119. After taxes have been levied in any year, the collector shall upon demand give a certificate with respect to any assessment for real property or business assessment indicating that the taxes for the current year have been levied, the amount of the taxes and whether or not all or any part of such taxes have been paid. Certificate  
re current  
taxes

**19.** Section 182 of *The Assessment Act*, as amended by section 7 of *The Assessment Amendment Act, 1964*, is further amended by adding thereto the following subsection: R.S.O. 1960,  
c. 23, s. 182,  
amended

(2b) Where a notice has been sent under subsection 2 to a corporation, the treasurer shall, within the time limit in subsection 2, send by registered mail to the Public Trustee a copy of the notice so sent. Copy of  
notice to  
Public  
Trustee

**20.** Form 5 of *The Assessment Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 23,  
Form 5,  
re-enacted

## FORM 5

(Section 128, Subsection 3)

### FORM OF OATH TO BE ATTACHED TO COLLECTOR'S ROLL

I, (name and residence), make oath and say (or solemnly declare and affirm) as follows:



In accordance with *The Assessment Act*, I have appended my initials in the collector's roll attached hereto to every date entered by me in the roll as the date of demand of payment, or notice of taxes, pursuant to section 115 (*or* section 120) and of every transmission of statement and demand of taxes pursuant to section 117, or have attached my certificate pursuant to section 117a, and every such date has been truly stated in the roll or certificate.

Commence-  
ment

**21.**—(1) This Act, except sections 1, 2, 3, 5, 6, 7 and 8 and subsection 1 of section 11, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 3 of section 8 shall be deemed to have come into force on the 1st day of January, 1966.

Idem

(3) Sections 1, 2, 3, 5, 6 and 7, subsections 1, 2 and 4 of section 8 and subsection 1 of section 11 come into force on the 1st day of January, 1967.

Short title

**22.** This Act may be cited as *The Assessment Amendment Act, 1966*.







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*1st Reading*

June 21st, 1966

*2nd Reading*

*3rd Reading*

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MR. SPOONER

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# **BILL 183**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Assessment Act**

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**MR. SPOONER**

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THE UNIVERSITY OF CHICAGO



# BILL 183 1966

## An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of paragraph 4 of section 4 of *The Assessment Act*, as enacted by subsection 1 of section 1 of *The Assessment Amendment Act, 1960-61*, is amended by adding at the end thereof "or a person already exempt from taxation in respect of the property rented or leased", so that the clause shall read as follows:

R.S.O. 1960,  
c. 23, s. 4,  
par. 4, cl. *a*  
(1960-61,  
c. 4, s. 1,  
subs. 1),  
amended

(a) The exemption from taxation under this paragraph does not apply to lands rented or leased to an educational institution mentioned in this paragraph by any person other than another such institution or a person already exempt from taxation in respect of the property rented or leased.

When  
exemption  
not to  
apply

2. *The Assessment Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 23,  
amended

8a. The exemptions provided for by section 4 are subject to the provisions of paragraph 52 of subsection 1 of section 379 and section 380 of *The Municipal Act* as to the imposition of special rates on land, which would otherwise be exempt from such assessment under section 4, for the completion, improvement, alteration, enlargement or extension of any public utility undertaking or for the construction of sewage works or water works or the operation, repair and maintenance of sewage works.

Imposition  
of special  
rates  
R.S.O. 1960,  
c. 249

3. Subsection 2 of section 9 of *The Assessment Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 23, s. 9,  
subs. 2,  
re-enacted

(2) Where any person liable to be assessed for business assessment carries on a business that, by reason of its nature or location, makes it reasonably necessary

Exception

for him to provide without charge parking for the vehicles of his employees, such person is not liable for business assessment on land reasonably necessary for such purpose as determined by the assessor.

R.S.O. 1960,  
c. 23, s. 16,  
subs. 1,  
amended

4. Subsection 1 of section 16 of *The Assessment Act* is amended by inserting after "county assessor" in the second line "and any assistants of and designated by any such assessment commissioner, assessor or county assessor", so that the subsection shall read as follows:

Right of  
access

- (1) The assessment commissioner, if any, every assessor of a municipality, the county assessor, and any assistants of and designated by any such assessment commissioner, assessor or county assessor, the commissioner and members of courts of revision, the county court judge, the members of the Ontario Municipal Board and officials of the Department shall at all reasonable times and upon reasonable request be given free access to all land and to all parts of every building, structure, machinery and fixture erected or placed upon, in, over, under or affixed to the land, for the purpose of making a proper assessment thereof or of making a proper business assessment in respect thereof.

R.S.O. 1960,  
c. 23, s. 20,  
subs. 2,  
amended

5. Subsection 2 of section 20 of *The Assessment Act* is amended by striking out Column 28 and by renumbering Column 27a, as enacted by subsection 1 of section 4 of *The Assessment Amendment Act, 1962-63*, as Column 28.

R.S.O. 1960,  
c. 23, s. 29,  
subs. 2, 3,  
re-enacted

6. Subsections 2 and 3 of section 29 of *The Assessment Act* are repealed and the following substituted therefor:

Register  
of census

- (2) The assessor shall enter the census in a register, which shall show the population in the age groups as required under subsection 1 in relation to each parcel separately assessed, and such register shall be according to the form and include the particulars prescribed by the Department.

Taking and  
return of  
census

- (3) The census shall be taken yearly on or before the 30th day of September and a summary thereof showing the total number of inhabitants according to the age groups set forth in subsection 1 shall be returned by the assessor to the clerk of the municipality not later in the same year than the 1st day of October.



7.—(1) Subsection 1 of section 39 of *The Assessment Act* is amended by inserting after “course” in the third line “but not including the part of the land actually occupied by any building or structure or such building or structure”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 23, s. 39,  
subs. 1,  
amended

- (1) Any local municipality may enter into an agreement with the owner of a golf course for providing a fixed assessment for the land occupied as a golf course, but not including the part of the land actually occupied by any building or structure or such building or structure, to apply to taxation for general, school and special purposes, but not to apply to taxation for local improvements.

Agreement  
for fixed  
assessment  
for golf  
course

(2) Subsections 4, 5 and 6 of the said section 39 are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 23, s. 39,  
subs. 4-6,  
re-enacted

- (4) When an agreement is for any reason terminated as to the whole of the lands in respect of which the fixed assessment is given, the owner shall,

Termination  
of agree-  
ment, as  
to all of  
lands

(a) pay to the municipality the amount debited against the golf course, including the amounts of interest debited in accordance with clause *c* of subsection 2; or

(b) require the municipality to purchase the golf course for an amount equal to the fixed assessment.

- (5) When an agreement is for any reason terminated as to a part of the land in respect of which the fixed assessment is given, the owner shall,

as to part  
of lands

(a) pay to the municipality that portion of the amount debited against the golf course, including the amounts of interest debited in accordance with clause *c* of subsection 2, that is attributable to the portion of the golf course in respect of which the agreement is terminated; or

(b) require the municipality to purchase the part of the golf course in respect of which the agreement is terminated for an amount equal to the fixed assessment that is attributable to such part.



Agreement  
terminated  
when land  
ceases to be  
used as golf  
course

- (6) Where a golf course has a fixed assessment under an agreement under subsection 1, the agreement shall terminate as to the whole or any part of the land in respect of which the fixed assessment is given when the whole or any such part thereof ceases to be occupied for the purposes of a golf course.

Termination  
of agree-  
ment

- (7) Any agreement may be terminated on the 31st day of December in any year upon the owner of the golf course giving six months notice of such termination in writing to the municipality.

Dispute

- (8) Any dispute between the municipality and the owner of the golf course in relation to an agreement or this section shall be settled by the Ontario Municipal Board, and the decision of the Board is final.

R.S.O. 1960,  
c. 23, s. 41,  
subs. 1,  
cl. c,  
re-enacted

8.—(1) Clause *c* of subsection 1 of section 41 of *The Assessment Act* is repealed and the following substituted therefor:

- (c) "pipe line" means, subject to subsection 4, a pipe line for the transportation or transmission of gas that is designated by the owner as a transmission pipe line and a pipe line for the transportation or transmission of oil, and includes,

- (i) all valves, couplings, cathodic protection apparatus, protective coatings and casings,
- (ii) all haulage, labour, engineering and overheads in respect of such pipe line,
- (iii) any section, part or branch of any pipe line,
- (iv) any easement or right of way used by a pipe line company, and
- (v) any franchise or franchise right,

but does not include a pipe line or lines situate wholly within an oil refinery, oil storage depot, oil bulk plant or oil pipe line terminal.

R.S.O. 1960,  
c. 23, s. 41,  
subs. 2,  
repealed;  
subs. 3,  
re-enacted

(2) Subsections 2 and 3 of the said section 41 are repealed and the following substituted therefor:

Notice to  
municipalities

- (3) On or before the 1st day of July in each year, the pipe line company shall notify the clerk or the assessment commissioner of each local municipality of the

age, length and diameter of all its transmission pipe lines located in the municipality as of the 1st day of June of that year.

(3) Subsections 6 and 7 of the said section 41 are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 23, s. 41,  
subs. 6,  
re-enacted;  
subs. 7,  
repealed

(6) A pipe line shall be depreciated at the rate of 5 per cent of the assessed value of the pipe line every three years from the year of installation, with a maximum depreciation of 55 per cent.

Deprecia-  
tion of pipe  
lines

(4) The said section 41 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 23, s. 41,  
amended

(9a) Where a pipe line has been constructed and used for the transportation of oil or gas and ceases to be so used by reason of an order or regulation of an authority having jurisdiction in that behalf, other than the taxing authority, and an application to the proper authority for permission to abandon such pipe line has been refused, the assessment of such pipe line shall be reduced by 20 per cent so long as it is not used for the transportation of oil or gas.

Reduction  
of assess-  
ment on  
pipe line

9. Subsection 7 of section 43 of *The Assessment Act* is amended by striking out "and for accounting purposes shall be deemed to be taxes" in the third and fourth lines, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 23, s. 43,  
subs. 7,  
amended

(7) The payments received under subsections 3, 4 and 5 shall be credited by the municipality to the general fund of the municipality.

Credit to  
municipal  
general  
fund

10. Subsection 1 of section 48 of *The Assessment Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 23, s. 48,  
subs. 1,  
re-enacted

(1) The assessor or his assistant shall, prior to the completion of the assessment roll for the municipality or ward, as the case may be, deliver in the manner hereinafter provided to every person named therein, except persons entered on the roll under section 24, a notice (Form 2) of the sum or sums for which such person has been assessed and such other particulars as are mentioned in the Form, and shall enter in the roll opposite the name of the person the date of delivery of the notice or shall make one or more certificates to be attached to the roll or to any part of the roll certifying the date or dates upon which

Notice of  
assessment

the notices were delivered, and the entry, certificate and certificates are *prima facie* evidence of the delivery.

R.S.O. 1960,  
c. 23, s. 53,  
subs. 1,  
amended

**11.**—(1) Subsection 1 of section 53 of *The Assessment Act* is amended by striking out “and” at the end of clause *b*, by adding “and” at the end of clause *c* and by adding thereto the following clause:

- (d) the increase in value, as certified by the assessor, of any pipe line that ceases to be entitled to the reduction provided for in subsection 9*a* of section 41.

R.S.O. 1960,  
c. 23, s. 53,  
subs. 4,  
amended

(2) Subsection 4 of the said section 53 is amended by striking out “deliver to or send by registered mail” in the third and fourth lines and inserting in lieu thereof “deliver as provided for notices of assessment in subsections 2 and 3 of section 48”, so that the subsection shall read as follows:

Notice and  
appeals

- (4) Where an entry is made or is to be made in the collector’s roll under this section, the assessor shall, before the assessment is added to the collector’s roll, deliver as provided for notices of assessment in subsections 2 and 3 of section 48 to the person to be taxed a notice setting out the amount of the assessment and, where applicable, the amount of the assessment of real property liable to taxation under subsection 3, and the time within which an appeal may be made from such assessment, and the same rights in respect of appeal lie as if the assessment had been made in the usual way, but for the purposes of an appeal made from an assessment under this section the assessment roll shall be deemed to have been returned on the day such assessment is added to the collector’s roll.

R.S.O. 1960,  
c. 23, s. 53,  
amended

(3) The said section 53 is amended by adding thereto the following subsection:

Evidence of  
delivery of  
notice

- (4*a*) When a notice has been delivered under subsection 4, the assessor shall enter in the collector’s roll opposite the name of the person the date of delivery of the notice, and the entry is *prima facie* evidence of the delivery.

R.S.O. 1960,  
c. 23, s. 54,  
subs. 3,  
amended

**12.**—(1) Subsection 3 of section 54 of *The Assessment Act* is amended by striking out “deliver to or send by registered mail” in the fourth line and inserting in lieu thereof “deliver as provided for notices of assessment in subsections 2 and 3 of section 48”, so that the subsection shall read as follows:



- (3) Where an addition or amendment is made to the assessment roll under this section, the assessor shall, before the assessment is added to the roll or the roll is amended, deliver as provided for notices of assessment in subsections 2 and 3 of section 48 to the person assessed a notice setting out the amount of the assessment and, where applicable, the amount of the assessment of real property liable to taxation under subsection 3 of section 53, and the time within which an appeal may be made from such assessment, and the same rights in respect of appeal lie as if the assessment had been made in the usual way, but for the purposes of appeal from an assessment under this section the assessment roll shall be deemed to have been returned on the day such assessment is added to the assessment roll or the roll is amended. Notice and  
appeals

- (2) The said section 54 is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 23, s. 54,  
amended

- (3a) When a notice has been delivered under subsection 3, the assessor shall enter in the assessment roll opposite the name of the person the date of delivery of the notice, and the entry is *prima facie* evidence of the delivery. Evidence of  
delivery of  
notice

**13.** Subsection 3 of section 59 of *The Assessment Act* is amended by striking out "and added up" in the third and fourth lines, so that the subsection shall read as follows: R.S.O. 1960,  
c. 23, s. 59,  
subs. 3,  
amended

- (3) The assessment commissioner or assessor shall on or before the day fixed for the return of the assessment roll deliver it to the clerk of the municipality completed, with the affidavit attached, and the clerk shall, immediately upon receipt of the roll, file it in his office, and it shall be open to inspection during office hours. Roll to be  
delivered to  
clerk

**14.—(1)** Subsection 5 of section 72 of *The Assessment Act* is amended by inserting after "post up" in the first line "in his office and", so that the subsection shall read as follows: R.S.O. 1960,  
c. 23, s. 72,  
subs. 5,  
amended

- (5) The clerk of the municipality shall post up in his office and in some convenient and public place within the municipality or ward a list of all complainants, on their own behalf, against the assessor's return, and of all complainants on account of the assessment of other persons, stating the names of each, with a concise description of the matter complained against, together with an announcement of the time when the court will be held to hear the complaints. Clerk to  
give notice  
by posting  
up list

R.S.O. 1960,  
c. 23, s. 72,  
subs. 21,  
re-enacted

(2) Subsection 21 of the said section 72, as amended by section 9 of *The Assessment Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Alteration  
of roll  
by clerk

(21) The clerk of the court of revision,

(a) shall forthwith alter and amend the assessment roll in accordance with the decisions of the court of revision and shall write his name or initials against every alteration or amendment, and shall complete the roll by adding the same and inserting the total of such additions; or

(b) where data processing equipment is used, shall forthwith cause to be prepared a new assessment roll, which shall include all changes made by the court of revision, and shall initial each entry in which a change has been made by the court of revision, and shall complete the roll by adding the same and inserting the total of such additions.

Appendix  
when new  
roll  
prepared

(21a) When a new assessment roll is prepared under clause b of subsection 21, the clerk of the court of revision shall also add as an appendix to the roll all entries that have been altered or amended in accordance with the decision of the court of revision as they appeared on the roll prior to such alteration or amendment.

R.S.O. 1960,  
c. 23, s. 72,  
subs. 22,  
re-enacted

(3) Subsection 22 of the said section 72 is repealed and the following substituted therefor:

Notice of  
decision

(22) When the court of revision has heard and decided an appeal, the clerk of the municipality shall within fourteen days cause notice of the decision in such appeal to be given,

(a) where the appeal was as to the amount of the assessment, by registered mail; and

(b) in the case of all other appeals, by ordinary mail,

to the persons to whom notice of the hearing of such appeal was given, and such notice shall state thereon that such decision may be appealed to the county judge within ten days of the mailing of the notice.

Notice  
where  
assessment  
\$25,000  
or more

(22a) When the court of revision has heard and decided an appeal and the assessment is in an amount of \$25,000 or more or has been increased by the court



of revision to an amount of \$25,000 or more, the notice under subsection 22 shall also state thereon that, if no appeal is taken to the county judge, such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice.

**15.**—(1) Section 83 of *The Assessment Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 23, s. 83,  
amended

(2a) Where an assessment is in an amount of \$25,000 or more or has been increased by the court of revision to an amount of \$25,000 or more and where no appeal is taken to the county judge, an appeal shall also lie to the Ontario Municipal Board from a decision of the court of revision in the same manner as an appeal under subsection 1 or 2. Appeals  
to O.M.B.

(2) Subsection 4 of the said section 83 is amended by striking out "this section" in the first line and inserting in lieu thereof "subsections 1 and 2", so that the subsection shall read as follows: R.S.O. 1960,  
c. 23, s. 83,  
subs. 4,  
amended

(4) A notice of appeal to the Board under subsections 1 and 2 shall, within twenty-one days after notice of the decision appealed from has been given under subsection 2 of section 82, be sent by the party appealing by registered mail to the secretary of the Board and to the persons to whom notice of the hearing before the judge was given. Notice of  
appeal  
under  
subs. 1, 2

(3) The said section 83 is further amended by adding thereto the following subsection: R.S.O. 1960,  
c. 23, s. 83,  
amended

(4a) A notice of appeal to the Board under subsection 2a shall, within twenty-one days after notice of the decision appealed from has been given under subsection 22 of section 72, be sent by the party appealing by registered mail to the secretary of the Board, to the assessment commissioner or, if none, to the clerk of the municipality and to all the persons appealed against. Notice of  
appeal  
under  
subs. 2a

**16.**—(1) Section 104 of *The Assessment Act*, as re-enacted by section 6 of *The Assessment Amendment Act, 1964* and amended by section 7 of *The Assessment Amendment Act, 1965*, is further amended by adding thereto the following subsection: R.S.O. 1960,  
c. 23, s. 104  
(1964,  
c. 4, s. 6),  
amended

(8a) Where a municipality or locality, other than a city, includes part of two or more territorial districts and a district assessor has been appointed for only one Where  
municipality  
or locality  
situate in  
more than  
one  
territorial  
district

of the territorial districts, the district assessor shall have all the powers, duties and privileges under this and every other Act of an assessor and an assessment commissioner, and he shall be deemed for the purposes of this and every other Act to be the assessor and assessment commissioner for the whole of the municipality or locality, and, where a municipality or locality, other than a city, includes parts of two or more territorial districts and district assessors have been appointed for two or more of such territorial districts, the district assessor of the territorial district in which the greater portion of the assessment of the municipality or locality is situate shall have all the powers, duties and privileges under this and every other Act of an assessor and an assessment commissioner, and he shall be deemed for the purposes of this and every other Act to be the assessor and assessment commissioner for the whole of the municipality or locality.

R.S.O. 1960,  
c. 23, s. 104  
(1964,  
c. 4, s. 6),  
subs. 14,  
amended

(2) Subsection 14 of the said section 104 is amended by striking out "that month" in the sixth line and inserting in lieu thereof "the following January", so that the subsection shall read as follows:

Budget

(14) The district assessor shall in December of each year prepare the budget of the estimated cost of his office for the ensuing year and of the proportion thereof chargeable to each municipality and locality and shall deliver a copy of the budget to each municipality and locality not later than the 15th day of the following January.

R.S.O. 1960,  
c. 23, s. 104  
(1964,  
c. 4, s. 6),  
subs. 16,  
amended

(3) Subsection 16 of the said section 104 is amended by striking out "January, April, July and October" in the ninth line and inserting in lieu thereof "February, May, August and November", so that the subsection shall read as follows:

Payments  
to assessor

(16) Every municipality and locality for which the district assessor is deemed to be the assessor shall in each year remit to the district assessor, by equal quarterly payments in advance, its proportion of the cost for that year as shown in the budget or, if the budget is appealed, as shown in the budget as corrected in accordance with the decision of the Minister, and such quarterly payments shall be made on or before the 15th days of February, May, August and November in each year, and, if any such quarterly payment is not made by such date, it shall bear interest at the rate of 6 per cent per annum until paid.

**17.** *The Assessment Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 23,  
amended

117a.—(1) Instead of entering on the roll the date of the demand or of the delivery or mailing of the notice as required by sections 116 and 117, the collector may, at the time of such demand or notice, as the case may be, or immediately thereafter, make one or more certificates to be attached to the roll or to any part of the roll certifying the date or dates upon which the demands or notices in the roll or in the part were made, delivered or mailed. Certificates  
re dates of  
delivering  
notices

(2) Any such certificate is *prima facie* evidence of the making, delivery or mailing of such demand or notice. Evidence

**18.** Section 119 of *The Assessment Act* is amended by striking out "and the payment of a fee of 25 cents" in the second and third lines, so that the section shall read as follows: R.S.O. 1960,  
c. 23, s. 119,  
amended

119. After taxes have been levied in any year, the collector shall upon demand give a certificate with respect to any assessment for real property or business assessment indicating that the taxes for the current year have been levied, the amount of the taxes and whether or not all or any part of such taxes have been paid. Certificate  
re current  
taxes

**19.** Section 182 of *The Assessment Act*, as amended by section 7 of *The Assessment Amendment Act, 1964*, is further amended by adding thereto the following subsection: R.S.O. 1960,  
c. 23, s. 182,  
amended

(2b) Where a notice has been sent under subsection 2 to a corporation, the treasurer shall, within the time limit in subsection 2, send by registered mail to the Public Trustee a copy of the notice so sent. Copy of  
notice to  
Public  
Trustee

**20.** Form 5 of *The Assessment Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 23,  
Form 5,  
re-enacted

## FORM 5

### (Section 128, Subsection 3)

#### FORM OF OATH TO BE ATTACHED TO COLLECTOR'S ROLL

I, (name and residence), make oath and say (or solemnly declare and affirm) as follows:



In accordance with *The Assessment Act*, I have appended my initials in the collector's roll attached hereto to every date entered by me in the roll as the date of demand of payment, or notice of taxes, pursuant to section 115 (*or* section 120) and of every transmission of statement and demand of taxes pursuant to section 117, or have attached my certificate pursuant to section 117*a*, and every such date has been truly stated in the roll or certificate.

Commence-  
ment

**21.**—(1) This Act, except sections 1, 2, 3, 5, 6, 7 and 8 and subsection 1 of section 11, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 3 of section 8 shall be deemed to have come into force on the 1st day of January, 1966.

Idem

(3) Sections 1, 2, 3, 5, 6 and 7, subsections 1, 2 and 4 of section 8 and subsection 1 of section 11 come into force on the 1st day of January, 1967.

Short title

**22.** This Act may be cited as *The Assessment Amendment Act, 1966*.





An Act to amend The Assessment Act

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*1st Reading*

June 21st, 1966

*2nd Reading*

June 23rd, 1966

*3rd Reading*

July 7th, 1966

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MR. SPOONER

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# **BILL 184**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The County Judges Act**

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**MR. WISHART**

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#### EXPLANATORY NOTE

The maximum number of county court judges that may be appointed is increased from a total of 81 to a total of 82.

BILL 184

1966

## An Act to amend The County Judges Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 3 of *The County Judges Act*, R.S.O. 1960, c. 77, s. 3, subs. 1, amended as amended by section 1 of *The County Judges Amendment Act, 1964*, is further amended by striking out "sixteen" in the amendment of 1964 and inserting in lieu thereof "seventeen", so that the subsection shall read as follows:

- (1) In addition to the judges mentioned in section 1 and the junior judges mentioned in section 2, one or more judges or junior judges, not exceeding seventeen in number, may be appointed, Additional judges
- (a) for the county or district court of any county or district that the Lieutenant Governor in Council designates; or
- (b) for the county and district courts of the counties and districts of Ontario.

**2.** This Act comes into force on the day it receives Royal Assent. Commencement

**3.** This Act may be cited as *The County Judges Amendment Act, 1966*. Short title

An Act to amend The County Judges Act

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*1st Reading*

June 22nd, 1966

*2nd Reading*

*3rd Reading*

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MR. WISHART

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# **BILL 184**

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## **An Act to amend The County Judges Act**

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MR. WISHART

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OF THE

OF THE

OF THE

BILL 184

1966

## An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The County Judges Act*, R.S.O. 1960, c. 77, s. 3, subs. 1, amended as amended by section 1 of *The County Judges Amendment Act, 1964*, is further amended by striking out "sixteen" in the amendment of 1964 and inserting in lieu thereof "seventeen", so that the subsection shall read as follows:

(1) In addition to the judges mentioned in section 1 and the junior judges mentioned in section 2, one or more judges or junior judges, not exceeding seventeen in number, may be appointed, Additional judges

(a) for the county or district court of any county or district that the Lieutenant Governor in Council designates; or

(b) for the county and district courts of the counties and districts of Ontario.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The County Judges Amendment Act, 1966*. Short title

An Act to amend The County Judges Act

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*1st Reading*

June 22nd, 1966

*2nd Reading*

June 28th, 1966

*3rd Reading*

July 5th, 1966

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MR. WISHART

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# **BILL 185**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Public Service Superannuation Act**

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**MR. ALLAN**

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#### EXPLANATORY NOTES

SECTION 1. The definition of "contributor" is amended to exclude those who have not attained eighteen years of age.

SECTION 2. The interest rate throughout the Act is increased from 3 per cent per annum to 3 per cent per annum compounded half-yearly and is provided for in this section.

SECTION 3. The new subsection 1 of section 5 of the Act integrates the Act with the *Canada Pension Plan*. After January 1, 1966, contributors will continue to contribute to the Public Service Superannuation Fund but the appropriate amount payable to the Canada Pension Plan will be deducted from their contributions to the Public Service Superannuation Fund. The total contribution will be the same as it has been.

The new subsection 2 of section 5 will permit contributors who continue to be employed after age sixty-five to contribute while employed until age seventy and to discontinue contributions after age sixty-five, if they so desire.

BILL 185

1966

## An Act to amend The Public Service Superannuation Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Public Service Superannuation Act*, as re-enacted by subsection 1 of section 1 of *The Public Service Superannuation Amendment Act, 1965*, is amended by adding at the end thereof "but does not include a person who has not attained the age of eighteen years", so that the clause shall read as follows:

R.S.O. 1960,  
c. 332, s. 1,  
cl. *d*  
(1965,  
c. 111, s. 1,  
subs. 1),  
amended

(*d*) "contributor" in Part I means a civil servant or a person in a class of persons to whom that Part is made applicable, and includes the Provincial Auditor, the Assistant Provincial Auditor and the members of the staff of the Provincial Auditor, but does not include a person who has not attained the age of eighteen years.

2. *The Public Service Superannuation Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 332,  
amended

4a. Except where otherwise specifically provided for by this Act, interest payable under this Act shall be at the rate of 3 per cent per annum compounded half-yearly.

Interest  
payable  
under Act

3. Section 5 of *The Public Service Superannuation Act*, as re-enacted by section 2 of *The Public Service Superannuation Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 332, s. 5  
(1961-62,  
c. 122, s. 2),  
re-enacted

5.—(1) There shall be deducted from the salary of every contributor an amount equal to,

Contribu-  
tions,  
current

1964-65,  
c. 51 (Can.)

- (a) 6 per cent of his salary up to the amount of his basic exemption within the meaning of the *Canada Pension Plan*;
- (b) 4.2 per cent of his salary on the amount in excess of his basic exemption up to the amount of his year's maximum pensionable earnings within the meaning of the *Canada Pension Plan*; and
- (c) 6 per cent of the amount of his salary in excess of the year's maximum pensionable earnings,

and the amounts so deducted shall be placed to his credit in the Fund.

Cessation  
of con-  
tributions

- (2) Every contributor shall cease to contribute to the Fund on the day on which he ceases to be employed in the public service or at the end of the month in which he attains the age of seventy years or, in the case of a magistrate who was appointed before the 1st day of July, 1941, at the end of the month in which he attains the age of seventy-five years, whichever occurs first, but any such person may at any time after attaining the age of sixty-five years give notice in writing to the Board that he wishes to discontinue his contributions, and in every such case his contributions shall cease at the end of the month following the month in which the notice is given.

Retained  
employees'  
option

4.—(1) Any former contributor who has attained the age of sixty-five years and who is employed in the public service on the day on which this section comes into force may, if he gives notice in writing to the Public Service Superannuation Board within six months after such day of his decision so to do, contribute to the Public Service Superannuation Fund in respect of the period of his employment after he attained the age of sixty-five years until retirement or until the end of the month in which he attains the age of seventy years, whichever occurs first, and in every such case he shall pay an amount equal to the amount he would have paid if he had contributed to the Fund from the time he attained the age of sixty-five years, together with interest upon such amount.

Idem

(2) Any person who is entitled under subsection 1 to establish credit in the Fund in respect of his continuous non-contributory service may establish such credit in respect of a part only of such service, but no interval of time shall intervene between such part and the date on which he attained the age of sixty-five years.

**SECTION 4.** This new provision will enable present employees who have been retained after normal retirement age to contribute in respect of their employment after age sixty-five.

SECTION 5. These amendments are for the purpose of extending options to probationary employees as well as to regular employees, and to provide for an increase in the rate of interest on arrears.

SECTION 6. This section is spent. It is therefore repealed.

SECTION 7—Subsection 1. This amendment reduces from fifteen to ten the number of years needed to qualify for an allowance at age sixty-five.

Subsection 2. The provision is no longer required. It is therefore repealed.

SECTION 8—Subsection 1. The requirement of becoming a contributor at an age at which the contributor could contribute for fifteen years before attaining retirement age is repealed. A disability allowance will be paid if the contributor has contributed for ten or more years regardless of his age at the time he became a contributor.

Subsection 2. The interest provision is repealed as it will be covered by the new general provision enacted by section 2 of this Bill.



**5.—**(1) Clause *c* of subsection 1 of section 6 of *The Public Service Superannuation Act*, as re-enacted by section 1 of *The Public Service Superannuation Amendment Act, 1964*, is amended by striking out “the Order in Council that appointed him to the regular staff of” in the second and third lines and inserting in lieu thereof “his appointment to”, so that the clause shall read as follows:

- (c) who gives notice in writing to the Board within one year from the date of his appointment to the classified service under *The Public Service Act, 1961-62* of his intention to establish credit in the Fund in respect of his past non-contributory service with the Crown; and

R.S.O. 1960,  
c. 332, s. 6,  
subs. 1,  
cl. *c*  
(1964,  
c. 96, s. 1),  
amended

1961-62,  
c. 121

. . . . .

(2) Clause *d* of subsection 1 of the said section 6 is amended by striking out “at the rate of 3 per cent per annum” in the sixth line, so that the clause shall read as follows:

- (d) who agrees to pay on terms satisfactory to the Board and pays an amount equal to the amount that he would have paid if he had contributed to the Fund from the time he commenced his continuous non-contributory service with the Crown, together with interest upon such amount.

R.S.O. 1960,  
c. 332, s. 6,  
subs. 1,  
cl. *d*  
(1964,  
c. 96, s. 1),  
amended

**6.** Section 6*a* of *The Public Service Superannuation Act*, as enacted by section 2 of *The Public Service Superannuation Amendment Act, 1964*, is repealed.

R.S.O. 1960,  
c. 332, s. 6*a*  
(1964,  
c. 96, s. 2),  
repealed

**7.—**(1) Clause *b* of subsection 1 of section 9 of *The Public Service Superannuation Act* is amended by striking out “fifteen” in the second line and inserting in lieu thereof “ten”, so that the clause shall read as follows:

R.S.O. 1960,  
c. 332, s. 9,  
subs. 1,  
cl. *b*,  
amended

- (b) has contributed to the Fund in respect of a period of ten or more years.

(2) Subsection 2 of the said section 9 is repealed.

R.S.O. 1960,  
c. 332, s. 9,  
subs. 2,  
repealed

**8.—**(1) Clause *a* of subsection 1 of section 10 of *The Public Service Superannuation Act* is repealed.

R.S.O. 1960,  
c. 332, s. 10,  
subs. 1,  
cl. *a*,  
repealed

(2) Subsection 4 of the said section 10 is amended by striking out “at 3 per cent per annum” in the third and fourth lines, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 332, s. 10,  
subs. 4,  
amended

- (4) Where a person does not accept the offer and the total amount of the allowance paid to him is less than the total amount of his contributions with interest, the amount of the difference shall be paid to him in monthly instalments or otherwise as he directs.

Where  
offer not  
accepted

R.S.O. 1960,  
c. 332, s. 11,  
re-enacted

9. Section 11 of *The Public Service Superannuation Act*, as amended by section 4 of *The Public Service Superannuation Amendment Act, 1960-61* and section 4 of *The Public Service Superannuation Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Deferred  
annuities

11.—(1) Every contributor who has contributed continuously to the Fund in respect of ten or more years and who is not entitled to an allowance under this Act is entitled to a deferred annuity,

(a) commencing when he attains the age of sixty-five years if he ceases to be employed before attaining that age and if he is not entitled to or has not elected to take an immediate annuity provided in subsection 3; or

(b) commencing when he attains the age of sixty years if he ceases to be employed before attaining that age and if he has credit in the Fund in respect of employment in the public service before the 1st day of January, 1966.

Idem

(2) Every former contributor who has contributions locked in under subsection 2 of section 17 and who is not entitled to a payment under subsection 3 of section 17 is entitled to a deferred annuity commencing when he attains the age of sixty-five years.

Immediate  
annuities

(3) Every contributor who has contributed continuously to the Fund in respect of ten or more years and who is not entitled to an allowance under this Act is entitled to an immediate annuity,

(a) commencing when he ceases to be employed in the public service after he has attained the age of sixty years; or

(b) with the approval of the Lieutenant Governor in Council, commencing when he ceases to be employed in the public service after he has attained the age of fifty-five years and before he has attained the age of sixty years.

Idem

(4) Every former contributor who has a deferred annuity and who has attained the age of fifty-five years is, with the approval of the Lieutenant Governor in Council, entitled to an immediate annuity.

SECTION 9. The new section contains the following changes in principle:

1. Deferred annuities will commence at age sixty-five instead of age sixty for new contributors.
2. The earliest age at which an immediate annuity will commence for new contributors is fifty-five instead of fifty.

SECTION 10. These provisions are re-enacted in order to integrate the Act with the *Canada Pension Plan*.

In addition, the computation of allowances and annuities will be based on a contributor's highest sixty months of salary instead of the highest thirty-six months.

A guarantee is contained in subsections 9 and 10 whereby no annual allowance or annuity plus the pension under the *Canada Pension Plan* will be less than the contributor expected to receive under the present Act.



## (5) Notwithstanding subsection 4,

Idem

- (a) every former contributor who qualified for a deferred annuity before the 1st day of January, 1966, and who has attained the age of fifty years; or
- (b) every person who has credit in the Fund in respect of employment in the public service before the 1st day of January, 1966, and who ceases to be employed on or after that date and after he is fifty years of age and before he is sixty years of age or who has a deferred annuity and has attained the age of fifty years,

is, with the approval of the Lieutenant Governor in Council, entitled to an immediate annuity computed under this Act as it was on the 31st day of December, 1965.

**10.** Section 12 of *The Public Service Superannuation Act*, R.S.O. 1960, c. 332, s. 12, as amended by section 5 of *The Public Service Superannuation Amendment Act, 1960-61* and section 5 of *The Public Service Superannuation Amendment Act, 1961-62*, is repealed and the following substituted therefor:

- 12.—(1) The amount of every annual superannuation allowance and annual disability allowance and of every annuity under this Act shall be 2 per cent of the average annual salary of the contributor during the sixty consecutive months of his contributory service during which his salary was highest, multiplied by the total number of full years and any part of a year of contributory service, but not more than thirty-five years of service shall be reckoned. Computation of allowances and annuities
- (2) The amount computed under subsection 1 shall be reduced by 0.7 per cent of the average annual salary of the contributor during the sixty consecutive months of his contributory service during which his salary was highest, but not exceeding his year's maximum pensionable earnings under the *Canada Pension Plan* established at the time he ceased to be employed, multiplied by the number of full years and any part of a year of contributory service after the 1st day of January, 1966, but not more than thirty-five years of service shall be reckoned. C.P.P. reduction 1964-65, c. 51 (Can.)
- (3) In the case of a person who retires after attaining the age of sixty years but before attaining the age of sixty-five years and who has contributed to the Special case



Fund for twenty or more years, the reduction in subsection 2 does not apply until the beginning of the month following the month in which he attained the age of sixty-five years.

Idem,  
allowances  
and  
annuities

- (4) The reduction in subsection 2 does not apply,
- (a) to a person who ceases to be employed in the public service before the year 1967; or
  - (b) to a person whose disability allowance commences before the 1st day of January, 1971.

Idem,  
annuities

- (5) The amount of every annuity shall, in addition to the reduction mentioned in subsection 2, be further reduced at the rate of 5 per cent for each year by which the age of the person is less than sixty-five years at the beginning of the month in which he commences to receive the annuity.

Where  
subs. 5  
does not  
apply

- (6) The reduction in subsection 5 does not apply to a person who has credit in the Fund in respect of employment in the public service before the 1st day of January, 1966.

Special  
case

- (7) Where a person who is entitled to an allowance or an annuity has been a contributor to the Fund for fewer than sixty months, his allowance or annuity shall be based upon his average annual salary during the period that he was a contributor.

Computa-  
tion of  
part of  
year

- (8) Where a computation under this section involves part of a year, the computation in respect of that part shall be made on a monthly basis, and,
- (a) any part of a month less than fifteen days shall be disregarded; and
  - (b) any part of a month not less than fifteen days shall be deemed to be a month.

Guarantee

- (9) Subject to subsection 10, a person who has credit in the Fund in respect of employment in the public service before the 1st day of January, 1966, and who ceases to be employed in the public service on or after that date shall, if he is qualified for an allowance or an annuity, receive an annual allowance or an annuity equal to that which he would have received if it had been computed under *The Public Service Superannuation Act* as it was on the 31st day of December, 1965.

R.S.O. 1960,  
c. 332



SECTION 11. Section 13 of the Act, which contained the rules for computing annuities, is repealed as it is now contained in section 12 of the Act (section 10 of this Bill).

SECTION 12. Section 14 of the Act, which provides an allowance for the widows and children of deceased annuitants, is repealed as it is now contained in section 20 of the Act (section 18 of this Bill).

SECTION 13. The cross-reference is brought up to date and the reference to the rate of interest is deleted (see note to section 2 of this Bill).

SECTION 14. The effect of this amendment will be that an allowance or annuity will not be suspended in cases where the recipient is re-employed by the Crown and works for a period of not more than thirty days in a year.

SECTION 15. Interest at the new rate will be paid on all refunds. Subsection 3 is new; it conforms with *The Pension Benefits Act, 1965*.

- (10) When a person referred to in subsection 9 attains the age at which he becomes entitled to a retirement pension under the *Canada Pension Plan* or commences to receive a disability pension under the *Canada Pension Plan*, his annual allowance or his annuity shall be recomputed under this section, and, if the amount thereof together with the pension he is then entitled to or is receiving under the *Canada Pension Plan*, other than that part derived from contributions made after he ceased to be employed in the public service, is less than the amount that he qualified for or received under subsection 9, the amount of the difference shall be added to the amount of his annual allowance or his annuity as so recomputed. Idem  
1964-65,  
c. 51 (Can.)

**11.** Section 13 of *The Public Service Superannuation Act*, as re-enacted by section 6 of *The Public Service Superannuation Amendment Act, 1961-62*, is repealed. R.S.O. 1960,  
c. 332, s. 13  
(1961-62,  
c. 122, s. 6),  
repealed

**12.** Section 14 of *The Public Service Superannuation Act* is repealed. R.S.O. 1960,  
c. 332, s. 14,  
repealed

**13.** Section 15 of *The Public Service Superannuation Act* is amended by striking out "14" in the first line and inserting in lieu thereof "20" and by striking out "at 3 per cent per annum" in the third line, so that the section shall read as follows: R.S.O. 1960,  
c. 332, s. 15,  
amended

15. Except as provided in section 20, where an annuitant dies, an amount equal to the amount of his contributions to the Fund with interest, less the amount of the annuity paid to him, shall be paid to his personal representative. Death of  
annuitant

**14.** Subsection 1 of section 16 of *The Public Service Superannuation Act*, as re-enacted by section 2 of *The Public Service Superannuation Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 332, s. 16,  
subs. 1  
(1962-63,  
c. 119, s. 2),  
re-enacted

- (1) Where a former contributor is, in the opinion of the Board, re-employed or engaged in any capacity in the service of the Crown and works for a period of more than thirty days in any one year, any allowance or annuity to which he is entitled during such re-employment or engagement shall not be paid in respect of such period. Re-  
employment

**15.** Section 17 of *The Public Service Superannuation Act*, as amended by section 8 of *The Public Service Superannuation* R.S.O. 1960,  
c. 332, s. 17,  
re-enacted



*Amendment Act, 1961-62 and section 3 of The Public Service Superannuation Amendment Act, 1964, is repealed and the following substituted therefor:*

Refunds

17.—(1) Where a contributor,

- (a) resigns or is dismissed and is not entitled to or granted an allowance or an immediate annuity; or
- (b) dies leaving no widow, or no child or children under the age of eighteen years,

an amount equal to the total of his contributions to the Fund with interest shall be paid to him in monthly instalments or otherwise as he directs or to his personal representative, as the case may be.

Contributions  
locked in

(2) Notwithstanding subsection 1, a contributor,

- (a) who has attained the age of forty-five years;
- (b) who has contributed to the Fund in respect of a period of ten or more years; and
- (c) who resigns or is dismissed,

is not entitled to a refund of his contributions to the Fund in respect of service rendered after the 31st day of December, 1964.

Exception

(3) Notwithstanding subsection 2, where the deferred annuity in respect of service rendered after the 31st day of December, 1964, is less than \$10 a month, it may be commuted for a cash sum.

R.S.O. 1960,  
c. 332, s. 18,  
re-enacted

**16.** Section 18 of *The Public Service Superannuation Act*, as amended by section 7 of *The Public Service Superannuation Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Retirement  
or death  
before  
super-  
annuation

18. Where a contributor who,

- (a) has attained the age of sixty-five years retires and is not entitled to a superannuation allowance or annuity; or
- (b) is found by the Board to be unable to perform his duties by reason of mental or physical incapacity is retired by the Lieutenant



SECTIONS 16 and 17. The references to the rate of interest are deleted (see note to section 2 of this Bill).

SECTION 18. Section 20 of the Act is re-enacted:

1. To integrate it with the *Canada Pension Plan*.
2. To delete the reference to the rate of interest (see note to section 2 of this Bill).
3. To provide a pension for a widow of a deceased contributor or pensioner when she had married him before he retired (subsection 6).
4. To provide a pension for a widower of a deceased contributor or pensioner under certain circumstances (subsection 8).

Governor in Council in circumstances under which he is not entitled to a disability allowance or annuity; or

- (c) has contributed to the Fund in respect of a period of less than ten years dies leaving a widow, or a child or children under the age of eighteen years,

twice the amount of his contributions to the Fund with interest shall be paid to him in monthly instalments or otherwise as he directs or to his widow or child or children, as the case may be.

**17.** Section 19 of *The Public Service Superannuation Act* R.S.O. 1960, c. 332, s. 19, amended is amended by striking out "at 3 per cent per annum" in the third and fourth lines, so that the section shall read as follows:

19. Except as provided in section 20, where a person who Death of person in receipt of allowance is in receipt of an allowance dies, an amount equal to the amount of his contributions with interest, less the amount of the allowance paid to him, shall be paid to his personal representative.

**18.** Section 20 of *The Public Service Superannuation Act*, R.S.O. 1960, c. 332, s. 20, re-enacted as amended by section 8 of *The Public Service Superannuation Amendment Act, 1960-61* and section 9 of *The Public Service Superannuation Amendment Act, 1961-62*, is repealed and the following substituted therefor:

- 20.—(1) For the purposes of subsections 2 and 5 to 9, Interpretation "allowance" includes an annuity, and, in the case of a deferred annuity, it shall be deemed that it is being paid.

- (2) Subject to subsection 3, where a contributor who has Allowances to widows, etc. contributed to the Fund in respect of a period of ten or more years, or a person to whom an allowance is being paid,

(a) dies leaving a widow, an amount equal to,

- (i) one-half of the allowance computed in the manner provided in subsections 1 to 8 of section 12 but based on the deceased's employment to the time of his death, or

- (ii) one-half of the allowance that the deceased was receiving at the date of his death,

as the case may be, shall be paid to his widow during her life or during her widowhood, and, where the widow dies or marries leaving a child or children of the former contributor who at the date of her death or marriage is or are under the age of eighteen years, an amount equal to that paid to the widow shall be paid to the child or children until such age is attained; or

- (b) dies leaving no widow, but leaving a child or children under eighteen years of age, an amount equal to,
  - (i) one-half of the allowance computed in the manner provided in subsections 1 to 8 of section 12 but based on the deceased's employment to the time of his death, or
  - (ii) one-half of the allowance that the deceased was receiving at the date of his death,

as the case may be, shall be paid to the child or children until such age is attained.

#### Exceptions

#### (3) Where a person dies who,

- (a) had established credit in the Fund from a day on or after the 1st day of January, 1966, or had commenced his employment in the public service on or after such day and was receiving an allowance under subsection 3 of section 9 and had not attained the age at which he could have qualified for a pension under the *Canada Pension Plan* at the date of his death; or
- (b) had credit in the Fund in respect of employment in the public service before the 1st day of January, 1966, and ceased to be employed in the public service on or after that date and was receiving an allowance or annuity and had not attained the age at which he could have qualified for a pension under the *Canada Pension Plan* at the date of his death,

the allowance payable to the widow, widower or child or children, as the case may be, shall be one-half of the allowance or the annuity that he would

have received at the beginning of the month following the month in which he would have attained such age.

- (4) In computing an allowance under this section, the reduction referred to in subsection 5 of section 12 is not to exceed 50 per cent. Maximum reduction
- (5) Where the payments made under subsection 2 or the amount of the allowance and any payments made under subsection 2, as the case may be, are less than the amount of the contributions of the deceased with interest, the amount of the difference shall be paid to his personal representative. Where payments less than contributions
- (6) Subsection 2 does not apply to the widow of a contributor or of a person to whom an allowance was being paid if she married him after the date of his retirement or to the child or children of such marriage, but an amount equal to twice the amount of his contributions with interest, less the total amount of the allowance, if any, paid to him shall be paid to his widow or child or children, as the case may be. Post-retirement marriages
- (7) Where the contributor or the person to whom an allowance was being paid was a widow who died leaving a child or children, subsection 2 applies *mutatis mutandis* to the child or children. Where deceased was a widow with children
- (8) Where the contributor or the person to whom an allowance was being paid dies leaving a widower, this section applies *mutatis mutandis* to him, Widower's allowance
  - (a) if he was permanently incapacitated and wholly supported by her at the time of her death; and
  - (b) if she had been married to him for at least one year at the time of her death.
- (9) Where a contributor who had credit in the Fund on the day this Act came into force, Exception
  - (a) dies before the 1st day of January, 1969; or
  - (b) ceases to be employed before that day and subsequently dies,

leaving a widow or child or children, the allowance otherwise payable under this section shall be computed under *The Public Service Superannuation Act* as it was on the 31st day of December, 1965.



Commence-  
ment of  
dependants'  
allowances

- (10) An allowance under this section shall commence on the first day of the month next following the month during which the entitlement thereto occurred.

R.S.O. 1960,  
c. 332, s. 26,  
re-enacted

**19.** Section 26 of *The Public Service Superannuation Act*, as amended by section 3 of *The Public Service Superannuation Amendment Act, 1965*, is repealed and the following substituted therefor:

Interpre-  
tation

- 26.—(1) In this section, “contributions” means a person’s contributions, the Government’s contributions with respect thereto and interest on both such contributions at  $4\frac{3}{4}$  per cent per annum compounded annually.

Teachers  
becoming  
civil  
servants

- (2) Where a person who has contributions in the Teachers’ Superannuation Fund becomes a civil servant engaged as a teacher in a department of the Government or as an inspector or in a supervisory capacity in the Department of Education, he may elect to continue as a contributor under *The Teachers’ Superannuation Act* or to become a contributor under this Act and he shall send written notice thereof to the Teachers’ Superannuation Commission and to the Board within sixty days of his appointment as a civil servant and, if he fails to send such notice in accordance with this subsection, he shall continue as a contributor under *The Teachers’ Superannuation Act*.

R.S.O. 1960,  
c. 392

Idem

- (3) Where a person who has contributions in the Teachers’ Superannuation Fund becomes a civil servant and he elects to become a contributor under this Act in accordance with subsection 2 or he is engaged in a capacity other than any of those mentioned in subsection 2, he shall contribute under this Act.

Service  
credits

- (4) Where the contributions of a person mentioned in subsection 3 are transferred from the Teachers’ Superannuation Fund to the Fund, he shall receive service credit in the Fund equal to 100 per cent of his continuous service in the Teachers’ Superannuation Fund or equal to 70 per cent of the total of his continuous and non-continuous service in the Teachers’ Superannuation Fund, as the case may be, as determined by the Board, but in the latter case the number of years of service credit in the Fund shall not exceed twenty years.

**SECTION 19.** The provisions respecting transfers to and from the Teachers' Superannuation Fund are re-enacted in order to broaden the rights of teachers who become civil servants.

SECTION 20. Self-explanatory.

SECTION 21. Self-explanatory.

- (5) A contributor to the Fund who was a contributor on the 31st day of December, 1965, and whose contributions in the Teachers' Superannuation Fund were transferred to the Fund may, if a written request is made to the Board on or before the 31st day of December, 1967, have his service credit re-assessed under subsection 4, and, where his service credit is so re-assessed, he shall for all purposes, other than for his service credit, be deemed to have become a contributor to the Fund on the 1st day of January, 1966. Option

- (6) Where a former contributor to the Fund who is not in receipt of an allowance or an annuity is employed within the meaning of *The Teachers' Superannuation Act*, his contributions in the Fund shall, if he so requests in writing before a refund is made, be transferred to the Teachers' Superannuation Fund. Contributors to Fund becoming teachers R.S.O. 1960, c. 392

**20.**—(1) Section 37 of *The Public Service Superannuation Act*, as re-enacted by section 7 of *The Public Service Superannuation Amendment Act, 1965*, is amended by inserting after "and" in the fourth line "subject to subsection 2", so that subsection 1 of the said section shall read as follows: R.S.O. 1960, c. 332, s. 37 (1965, c. 111, s. 7), amended

- (1) The interest of any person in the Fund or in any allowance, annuity, refund or other sum payable out of the Fund is not subject to garnishment, attachment, seizure or other process of law and, subject to subsection 2, is not assignable. No attachment, etc.

(2) The said section 37 is further amended by adding there- to the following subsection: R.S.O. 1960, c. 332, s. 37, amended

- (2) Where a former contributor who is entitled to a refund or a lump-sum payment from the Fund requests in writing to the Board to have the refund or payment paid into another registered pension plan or into a registered retirement savings plan, the refund or payment shall be so paid. Payments into other funds

**21.** Section 43 of *The Public Service Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 332, s. 43, re-enacted

43. Nothing in this Act increases or decreases the amount of any allowance or annuity that was being paid or to which a former contributor had become entitled under this Act immediately before the 1st day of January, 1966. Amount of existing benefits not changed

Separations  
after Jan. 1,  
1966, and  
before  
Royal  
Assent

**22.** *The Public Service Superannuation Act* as it was immediately before this Act received Royal Assent applies to every person who ceased to be employed in the public service on or after the 1st day of January, 1966, and before the day on which this Act received Royal Assent.

Commence-  
ment

**23.**—(1) This Act, except sections 1, 3, 9, 10, 11, 15 and 19, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 3, 9, 10, 11, 15 and 19 shall be deemed to have come into force on the 1st day of January, 1966.

Short title

**24.** This Act may be cited as *The Public Service Superannuation Amendment Act, 1966*.



SECTION 22. This transitional provision is self-explanatory.

SECTION 23. The provisions of the Bill that are related to the integration of the Act with the *Canada Pension Plan* take effect as of January 1, 1966, which is the commencement date of the *Canada Pension Plan*.

An Act to amend  
The Public Service Superannuation Act

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*1st Reading*

June 23rd, 1966

*2nd Reading*

*3rd Reading*

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MR. ALLAN

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# **BILL 185**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Public Service Superannuation Act**

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**MR. ALLAN**

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1870

1870

BILL 185

1966

## An Act to amend The Public Service Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Public Service Superannuation Act*, as re-enacted by subsection 1 of section 1 of *The Public Service Superannuation Amendment Act, 1965*, is amended by adding at the end thereof "but does not include a person who has not attained the age of eighteen years", so that the clause shall read as follows: R.S.O. 1960,  
c. 332, s. 1,  
cl. *d*  
(1965,  
c. 111, s. 1,  
subs. 1),  
amended

(*d*) "contributor" in Part I means a civil servant or a person in a class of persons to whom that Part is made applicable, and includes the Provincial Auditor, the Assistant Provincial Auditor and the members of the staff of the Provincial Auditor, but does not include a person who has not attained the age of eighteen years.

2. *The Public Service Superannuation Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 332,  
amended

4a. Except where otherwise specifically provided for by this Act, interest payable under this Act shall be at the rate of 3 per cent per annum compounded half-yearly. Interest  
payable  
under Act

3. Section 5 of *The Public Service Superannuation Act*, as re-enacted by section 2 of *The Public Service Superannuation Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 332, s. 5  
(1961-62,  
c. 122, s. 2),  
re-enacted

5.—(1) There shall be deducted from the salary of every contributor an amount equal to, Contribu-  
tions,  
current



1964-65,  
c. 51 (Can.)

- (a) 6 per cent of his salary up to the amount of his basic exemption within the meaning of the *Canada Pension Plan*;
- (b) 4.2 per cent of his salary on the amount in excess of his basic exemption up to the amount of his year's maximum pensionable earnings within the meaning of the *Canada Pension Plan*; and
- (c) 6 per cent of the amount of his salary in excess of the year's maximum pensionable earnings,

and the amounts so deducted shall be placed to his credit in the Fund.

Cessation  
of con-  
tributions

- (2) Every contributor shall cease to contribute to the Fund on the day on which he ceases to be employed in the public service or at the end of the month in which he attains the age of seventy years or, in the case of a magistrate who was appointed before the 1st day of July, 1941, at the end of the month in which he attains the age of seventy-five years, whichever occurs first, but any such person may at any time after attaining the age of sixty-five years give notice in writing to the Board that he wishes to discontinue his contributions, and in every such case his contributions shall cease at the end of the month following the month in which the notice is given.

Retained  
employees'  
option

4.—(1) Any former contributor who has attained the age of sixty-five years and who is employed in the public service on the day on which this section comes into force may, if he gives notice in writing to the Public Service Superannuation Board within six months after such day of his decision so to do, contribute to the Public Service Superannuation Fund in respect of the period of his employment after he attained the age of sixty-five years until retirement or until the end of the month in which he attains the age of seventy years, whichever occurs first, and in every such case he shall pay an amount equal to the amount he would have paid if he had contributed to the Fund from the time he attained the age of sixty-five years, together with interest upon such amount.

Idem

(2) Any person who is entitled under subsection 1 to establish credit in the Fund in respect of his continuous non-contributory service may establish such credit in respect of a part only of such service, but no interval of time shall intervene between such part and the date on which he attained the age of sixty-five years.

**5.**—(1) Clause *c* of subsection 1 of section 6 of *The Public Service Superannuation Act*, as re-enacted by section 1 of *The Public Service Superannuation Amendment Act, 1964*, is amended by striking out “the Order in Council that appointed him to the regular staff of” in the second and third lines and inserting in lieu thereof “his appointment to”, so that the clause shall read as follows:

R.S.O. 1960,  
c. 332, s. 6,  
subs. 1,  
cl. *c*  
(1964,  
c. 96, s. 1),  
amended

- (c) who gives notice in writing to the Board within one year from the date of his appointment to the classified service under *The Public Service Act, 1961-62* of his intention to establish credit in the Fund in respect of his past non-contributory service with the Crown; and

1961-62,  
c. 121

(2) Clause *d* of subsection 1 of the said section 6 is amended by striking out “at the rate of 3 per cent per annum” in the sixth line, so that the clause shall read as follows:

R.S.O. 1960,  
c. 332, s. 6,  
subs. 1,  
cl. *d*  
(1964,  
c. 96, s. 1),  
amended

- (d) who agrees to pay on terms satisfactory to the Board and pays an amount equal to the amount that he would have paid if he had contributed to the Fund from the time he commenced his continuous non-contributory service with the Crown, together with interest upon such amount.

**6.** Section 6*a* of *The Public Service Superannuation Act*, as enacted by section 2 of *The Public Service Superannuation Amendment Act, 1964*, is repealed.

R.S.O. 1960,  
c. 332, s. 6*a*  
(1964,  
c. 96, s. 2),  
repealed

**7.**—(1) Clause *b* of subsection 1 of section 9 of *The Public Service Superannuation Act* is amended by striking out “fifteen” in the second line and inserting in lieu thereof “ten”, so that the clause shall read as follows:

R.S.O. 1960,  
c. 332, s. 9,  
subs. 1,  
cl. *b*,  
amended

- (b) has contributed to the Fund in respect of a period of ten or more years.

(2) Subsection 2 of the said section 9 is repealed.

R.S.O. 1960,  
c. 332, s. 9,  
subs. 2,  
repealed

**8.**—(1) Clause *a* of subsection 1 of section 10 of *The Public Service Superannuation Act* is repealed.

R.S.O. 1960,  
c. 332, s. 10,  
subs. 1,  
cl. *a*,  
repealed

(2) Subsection 4 of the said section 10 is amended by striking out “at 3 per cent per annum” in the third and fourth lines, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 332, s. 10,  
subs. 4,  
amended

- (4) Where a person does not accept the offer and the total amount of the allowance paid to him is less than the total amount of his contributions with interest, the amount of the difference shall be paid to him in monthly instalments or otherwise as he directs.

Where  
offer not  
accepted

R.S.O. 1960,  
c. 332, s. 11,  
re-enacted

9. Section 11 of *The Public Service Superannuation Act*, as amended by section 4 of *The Public Service Superannuation Amendment Act, 1960-61* and section 4 of *The Public Service Superannuation Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Deferred  
annuities

11.—(1) Every contributor who has contributed continuously to the Fund in respect of ten or more years and who is not entitled to an allowance under this Act is entitled to a deferred annuity,

(a) commencing when he attains the age of sixty-five years if he ceases to be employed before attaining that age and if he is not entitled to or has not elected to take an immediate annuity provided in subsection 3; or

(b) commencing when he attains the age of sixty years if he ceases to be employed before attaining that age and if he has credit in the Fund in respect of employment in the public service before the 1st day of January, 1966.

Idem

(2) Every former contributor who has contributions locked in under subsection 2 of section 17 and who is not entitled to a payment under subsection 3 of section 17 is entitled to a deferred annuity commencing when he attains the age of sixty-five years.

Immediate  
annuities

(3) Every contributor who has contributed continuously to the Fund in respect of ten or more years and who is not entitled to an allowance under this Act is entitled to an immediate annuity,

(a) commencing when he ceases to be employed in the public service after he has attained the age of sixty years; or

(b) with the approval of the Lieutenant Governor in Council, commencing when he ceases to be employed in the public service after he has attained the age of fifty-five years and before he has attained the age of sixty years.

Idem

(4) Every former contributor who has a deferred annuity and who has attained the age of fifty-five years is, with the approval of the Lieutenant Governor in Council, entitled to an immediate annuity.



(5) Notwithstanding subsection 4,

*Idem*

- (a) every former contributor who qualified for a deferred annuity before the 1st day of January, 1966, and who has attained the age of fifty years; or
- (b) every person who has credit in the Fund in respect of employment in the public service before the 1st day of January, 1966, and who ceases to be employed on or after that date and after he is fifty years of age and before he is sixty years of age or who has a deferred annuity and has attained the age of fifty years,

is, with the approval of the Lieutenant Governor in Council, entitled to an immediate annuity computed under this Act as it was on the 31st day of December, 1965.

**10.** Section 12 of *The Public Service Superannuation Act*, R.S.O. 1960, c. 332, s. 12, as amended by section 5 of *The Public Service Superannuation re-enacted Amendment Act, 1960-61* and section 5 of *The Public Service Superannuation Amendment Act, 1961-62*, is repealed and the following substituted therefor:

- 12.—(1) The amount of every annual superannuation allowance and annual disability allowance and of every annuity under this Act shall be 2 per cent of the average annual salary of the contributor during the sixty consecutive months of his contributory service during which his salary was highest, multiplied by the total number of full years and any part of a year of contributory service, but not more than thirty-five years of service shall be reckoned. Computation of allowances and annuities
- (2) The amount computed under subsection 1 shall be reduced by 0.7 per cent of the average annual salary of the contributor during the sixty consecutive months of his contributory service during which his salary was highest, but not exceeding his year's maximum pensionable earnings under the *Canada Pension Plan* established at the time he ceased to be employed, multiplied by the number of full years and any part of a year of contributory service after the 1st day of January, 1966, but not more than thirty-five years of service shall be reckoned. C.P.P. reduction  
1964-65, c. 51 (Can.)
- (3) In the case of a person who retires after attaining the age of sixty years but before attaining the age of sixty-five years and who has contributed to the Special case

Fund for twenty or more years, the reduction in subsection 2 does not apply until the beginning of the month following the month in which he attained the age of sixty-five years.

Idem,  
allowances  
and  
annuities

- (4) The reduction in subsection 2 does not apply,
- (a) to a person who ceases to be employed in the public service before the year 1967; or
  - (b) to a person whose disability allowance commences before the 1st day of January, 1971.

Idem,  
annuities

- (5) The amount of every annuity shall, in addition to the reduction mentioned in subsection 2, be further reduced at the rate of 5 per cent for each year by which the age of the person is less than sixty-five years at the beginning of the month in which he commences to receive the annuity.

Where  
subs. 5  
does not  
apply

- (6) The reduction in subsection 5 does not apply to a person who has credit in the Fund in respect of employment in the public service before the 1st day of January, 1966.

Special  
case

- (7) Where a person who is entitled to an allowance or an annuity has been a contributor to the Fund for fewer than sixty months, his allowance or annuity shall be based upon his average annual salary during the period that he was a contributor.

Computa-  
tion of  
part of  
year

- (8) Where a computation under this section involves part of a year, the computation in respect of that part shall be made on a monthly basis, and,
- (a) any part of a month less than fifteen days shall be disregarded; and
  - (b) any part of a month not less than fifteen days shall be deemed to be a month.

Guarantee

- (9) Subject to subsection 10, a person who has credit in the Fund in respect of employment in the public service before the 1st day of January, 1966, and who ceases to be employed in the public service on or after that date shall, if he is qualified for an allowance or an annuity, receive an annual allowance or an annuity equal to that which he would have received if it had been computed under *The Public Service Superannuation Act* as it was on the 31st day of December, 1965.

R.S.O. 1960,  
c. 382



- (10) When a person referred to in subsection 9 attains the age at which he becomes entitled to a retirement pension under the *Canada Pension Plan* or commences to receive a disability pension under the *Canada Pension Plan*, his annual allowance or his annuity shall be recomputed under this section, and, if the amount thereof together with the pension he is then entitled to or is receiving under the *Canada Pension Plan*, other than that part derived from contributions made after he ceased to be employed in the public service, is less than the amount that he qualified for or received under subsection 9, the amount of the difference shall be added to the amount of his annual allowance or his annuity as so recomputed. Idem  
1964-65,  
c. 51 (Can.)

**11.** Section 13 of *The Public Service Superannuation Act*, as re-enacted by section 6 of *The Public Service Superannuation Amendment Act, 1961-62*, is repealed. R.S.O. 1960,  
c. 332, s. 13  
(1961-62,  
c. 122, s. 6),  
repealed

**12.** Section 14 of *The Public Service Superannuation Act* is repealed. R.S.O. 1960,  
c. 332, s. 14,  
repealed

**13.** Section 15 of *The Public Service Superannuation Act* is amended by striking out "14" in the first line and inserting in lieu thereof "20" and by striking out "at 3 per cent per annum" in the third line, so that the section shall read as follows: R.S.O. 1960,  
c. 332, s. 15,  
amended

15. Except as provided in section 20, where an annuitant dies, an amount equal to the amount of his contributions to the Fund with interest, less the amount of the annuity paid to him, shall be paid to his personal representative. Death of  
annuitant

**14.** Subsection 1 of section 16 of *The Public Service Superannuation Act*, as re-enacted by section 2 of *The Public Service Superannuation Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 332, s. 16,  
subs. 1  
(1962-63,  
c. 119, s. 2),  
re-enacted

- (1) Where a former contributor is, in the opinion of the Board, re-employed or engaged in any capacity in the service of the Crown and works for a period of more than thirty days in any one year, any allowance or annuity to which he is entitled during such re-employment or engagement shall not be paid in respect of such period. Re-  
employment

**15.** Section 17 of *The Public Service Superannuation Act*, as amended by section 8 of *The Public Service Superannuation* R.S.O. 1960,  
c. 332, s. 17,  
re-enacted

*Amendment Act, 1961-62 and section 3 of The Public Service Superannuation Amendment Act, 1964, is repealed and the following substituted therefor:*

## Refunds

17.—(1) Where a contributor,

- (a) resigns or is dismissed and is not entitled to or granted an allowance or an immediate annuity; or
- (b) dies leaving no widow, or no child or children under the age of eighteen years,

an amount equal to the total of his contributions to the Fund with interest shall be paid to him in monthly instalments or otherwise as he directs or to his personal representative, as the case may be.

Contributions  
locked in

(2) Notwithstanding subsection 1, a contributor,

- (a) who has attained the age of forty-five years;
- (b) who has contributed to the Fund in respect of a period of ten or more years; and
- (c) who resigns or is dismissed,

is not entitled to a refund of his contributions to the Fund in respect of service rendered after the 31st day of December, 1964.

## Exception

(3) Notwithstanding subsection 2, where the deferred annuity in respect of service rendered after the 31st day of December, 1964, is less than \$10 a month, it may be commuted for a cash sum.

R.S.O. 1960,  
c. 332, s. 18,  
re-enacted

**16.** Section 18 of *The Public Service Superannuation Act*, as amended by section 7 of *The Public Service Superannuation Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Retirement  
or death  
before  
super-  
annuation

18. Where a contributor who,

- (a) has attained the age of sixty-five years retires and is not entitled to a superannuation allowance or annuity; or
- (b) is found by the Board to be unable to perform his duties by reason of mental or physical incapacity is retired by the Lieutenant

Governor in Council in circumstances under which he is not entitled to a disability allowance or annuity; or

- (c) has contributed to the Fund in respect of a period of less than ten years dies leaving a widow, or a child or children under the age of eighteen years,

twice the amount of his contributions to the Fund with interest shall be paid to him in monthly instalments or otherwise as he directs or to his widow or child or children, as the case may be.

**17.** Section 19 of *The Public Service Superannuation Act* R.S.O. 1960, c. 332, s. 19, amended is amended by striking out "at 3 per cent per annum" in the third and fourth lines, so that the section shall read as follows:

19. Except as provided in section 20, where a person who Death of person in receipt of allowance is in receipt of an allowance dies, an amount equal to the amount of his contributions with interest, less the amount of the allowance paid to him, shall be paid to his personal representative.

**18.** Section 20 of *The Public Service Superannuation Act*, R.S.O. 1960, c. 332, s. 20, re-enacted as amended by section 8 of *The Public Service Superannuation Amendment Act, 1960-61* and section 9 of *The Public Service Superannuation Amendment Act, 1961-62*, is repealed and the following substituted therefor:

- 20.—(1) For the purposes of subsections 2 and 5 to 9, Interpretation "allowance" includes an annuity, and, in the case of a deferred annuity, it shall be deemed that it is being paid.

- (2) Subject to subsection 3, where a contributor who has Allowances to widows, etc. contributed to the Fund in respect of a period of ten or more years, or a person to whom an allowance is being paid,

(a) dies leaving a widow, an amount equal to,

- (i) one-half of the allowance computed in the manner provided in subsections 1 to 8 of section 12 but based on the deceased's employment to the time of his death, or

- (ii) one-half of the allowance that the deceased was receiving at the date of his death,



as the case may be, shall be paid to his widow during her life or during her widowhood, and, where the widow dies or marries leaving a child or children of the former contributor who at the date of her death or marriage is or are under the age of eighteen years, an amount equal to that paid to the widow shall be paid to the child or children until such age is attained; or

- (b) dies leaving no widow, but leaving a child or children under eighteen years of age, an amount equal to,
  - (i) one-half of the allowance computed in the manner provided in subsections 1 to 8 of section 12 but based on the deceased's employment to the time of his death, or
  - (ii) one-half of the allowance that the deceased was receiving at the date of his death,

as the case may be, shall be paid to the child or children until such age is attained.

#### Exceptions

- (3) Where a person dies who,
  - (a) had established credit in the Fund from a day on or after the 1st day of January, 1966, or had commenced his employment in the public service on or after such day and was receiving an allowance under subsection 3 of section 9 and had not attained the age at which he could have qualified for a pension under the *Canada Pension Plan* at the date of his death; or
  - (b) had credit in the Fund in respect of employment in the public service before the 1st day of January, 1966, and ceased to be employed in the public service on or after that date and was receiving an allowance or annuity and had not attained the age at which he could have qualified for a pension under the *Canada Pension Plan* at the date of his death,

the allowance payable to the widow, widower or child or children, as the case may be, shall be one-half of the allowance or the annuity that he would

1964-65,  
c. 51 (Can.)

have received at the beginning of the month following the month in which he would have attained such age.

- (4) In computing an allowance under this section, the reduction referred to in subsection 5 of section 12 is not to exceed 50 per cent. Maximum reduction
- (5) Where the payments made under subsection 2 or the amount of the allowance and any payments made under subsection 2, as the case may be, are less than the amount of the contributions of the deceased with interest, the amount of the difference shall be paid to his personal representative. Where payments less than contributions
- (6) Subsection 2 does not apply to the widow of a contributor or of a person to whom an allowance was being paid if she married him after the date of his retirement or to the child or children of such marriage, but an amount equal to twice the amount of his contributions with interest, less the total amount of the allowance, if any, paid to him shall be paid to his widow or child or children, as the case may be. Post-retirement marriages
- (7) Where the contributor or the person to whom an allowance was being paid was a widow who died leaving a child or children, subsection 2 applies *mutatis mutandis* to the child or children. Where deceased was a widow with children
- (8) Where the contributor or the person to whom an allowance was being paid dies leaving a widower, this section applies *mutatis mutandis* to him, Widower's allowance
  - (a) if he was permanently incapacitated and wholly supported by her at the time of her death; and
  - (b) if she had been married to him for at least one year at the time of her death.
- (9) Where a contributor who had credit in the Fund on the day this Act came into force, Exception
  - (a) dies before the 1st day of January, 1969; or
  - (b) ceases to be employed before that day and subsequently dies,

leaving a widow or child or children, the allowance otherwise payable under this section shall be computed under *The Public Service Superannuation Act* as it was on the 31st day of December, 1965.



Commence-  
ment of  
dependants'  
allowances

- (10) An allowance under this section shall commence on the first day of the month next following the month during which the entitlement thereto occurred.

R.S.O. 1960,  
c. 332, s. 26,  
re-enacted

**19.** Section 26 of *The Public Service Superannuation Act*, as amended by section 3 of *The Public Service Superannuation Amendment Act, 1965*, is repealed and the following substituted therefor:

Interpre-  
tation

- 26.—(1) In this section, “contributions” means a person’s contributions, the Government’s contributions with respect thereto and interest on both such contributions at  $4\frac{3}{4}$  per cent per annum compounded annually.

Teachers  
becoming  
civil  
servants

- (2) Where a person who has contributions in the Teachers’ Superannuation Fund becomes a civil servant engaged as a teacher in a department of the Government or as an inspector or in a supervisory capacity in the Department of Education, he may elect to continue as a contributor under *The Teachers’ Superannuation Act* or to become a contributor under this Act and he shall send written notice thereof to the Teachers’ Superannuation Commission and to the Board within sixty days of his appointment as a civil servant and, if he fails to send such notice in accordance with this subsection, he shall continue as a contributor under *The Teachers’ Superannuation Act*.

R.S.O. 1960,  
c. 392

Idem

- (3) Where a person who has contributions in the Teachers’ Superannuation Fund becomes a civil servant and he elects to become a contributor under this Act in accordance with subsection 2 or he is engaged in a capacity other than any of those mentioned in subsection 2, he shall contribute under this Act.

Service  
credits

- (4) Where the contributions of a person mentioned in subsection 3 are transferred from the Teachers’ Superannuation Fund to the Fund, he shall receive service credit in the Fund equal to 100 per cent of his continuous service in the Teachers’ Superannuation Fund or equal to 70 per cent of the total of his continuous and non-continuous service in the Teachers’ Superannuation Fund, as the case may be, as determined by the Board, but in the latter case the number of years of service credit in the Fund shall not exceed twenty years.

- (5) A contributor to the Fund who was a contributor on the 31st day of December, 1965, and whose contributions in the Teachers' Superannuation Fund were transferred to the Fund may, if a written request is made to the Board on or before the 31st day of December, 1967, have his service credit re-assessed under subsection 4, and, where his service credit is so re-assessed, he shall for all purposes, other than for his service credit, be deemed to have become a contributor to the Fund on the 1st day of January, 1966. Option
- (6) Where a former contributor to the Fund who is not in receipt of an allowance or an annuity is employed within the meaning of *The Teachers' Superannuation Act*, his contributions in the Fund shall, if he so requests in writing before a refund is made, be transferred to the Teachers' Superannuation Fund. Contributors to Fund becoming teachers R.S.O. 1960, c. 392

**20.**—(1) Section 37 of *The Public Service Superannuation Act*, as re-enacted by section 7 of *The Public Service Superannuation Amendment Act, 1965*, is amended by inserting after "and" in the fourth line "subject to subsection 2", so that subsection 1 of the said section shall read as follows: R.S.O. 1960, c. 332, s. 37 (1965, c. 111, s. 7), amended

- (1) The interest of any person in the Fund or in any allowance, annuity, refund or other sum payable out of the Fund is not subject to garnishment, attachment, seizure or other process of law and, subject to subsection 2, is not assignable. No attachment, etc.

(2) The said section 37 is further amended by adding there- to the following subsection: R.S.O. 1960, c. 332, s. 37, amended

- (2) Where a former contributor who is entitled to a refund or a lump-sum payment from the Fund requests in writing to the Board to have the refund or payment paid into another registered pension plan or into a registered retirement savings plan, the refund or payment shall be so paid. Payments into other funds

**21.** Section 43 of *The Public Service Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 332, s. 43, re-enacted

43. Nothing in this Act increases or decreases the amount of any allowance or annuity that was being paid or to which a former contributor had become entitled under this Act immediately before the 1st day of January, 1966. Amount of existing benefits not changed

Separations  
after Jan. 1,  
1966, and  
before  
Royal  
Assent

**22.** *The Public Service Superannuation Act* as it was immediately before this Act received Royal Assent applies to every person who ceased to be employed in the public service on or after the 1st day of January, 1966, and before the day on which this Act received Royal Assent.

Commence-  
ment

**23.**—(1) This Act, except sections 1, 3, 9, 10, 11, 15 and 19, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 3, 9, 10, 11, 15 and 19 shall be deemed to have come into force on the 1st day of January, 1966.

Short title

**24.** This Act may be cited as *The Public Service Superannuation Amendment Act, 1966*.









An Act to amend  
The Public Service Superannuation Act

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*1st Reading*

June 23rd, 1966

*2nd Reading*

June 28th, 1966

*3rd Reading*

July 5th, 1966

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MR. ALLAN

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# **BILL 186**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Teachers' Superannuation Act**

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**MR. DAVIS**

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### EXPLANATORY NOTES

SECTION 1—Subsection 1. Self-explanatory.

Subsections 2, 3, 4, 5 and 6. These amendments to the definition of "employed" bring it up to date.

BILL 186

1966

## An Act to amend The Teachers' Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Teachers' Superannuation Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

R.S.O. 1960,  
c. 392, s. 1,  
amended

(a) "actuary" means a Fellow of the Canadian Institute of Actuaries.

(2) Clause *d* of the said section 1 is amended by adding thereto the following subclause:

R.S.O. 1960,  
c. 392, s. 1,  
cl. *d*,  
amended

(iva) as a teacher by a minister of a department of the Government of Ontario.

(3) Subclause *v* of clause *d* of the said section 1, as re-enacted by section 1 of *The Teachers' Superannuation Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 392, s. 1,  
cl. *d*,  
subcl. *v*  
(1964, c. 115,  
s. 1),  
re-enacted

(v) as a teacher in a college of education, Elliot Lake Centre for Continuing Education, Moosonee Education Centre, the Institute of Child Study, Retarded Children's Education Authority, The Ontario Institute for Studies in Education, the University of Toronto Schools, the Ontario College of Art, the Royal Ontario Museum, Lakehead University, Ryerson Polytechnical Institute, St. Mary's Training School for Girls, Toronto, St. John's Training School for Boys, Uxbridge, St. Joseph's Training School for Boys, Alfred, or in the civil service as defined in *The Public Service Act, 1961-62*.

1961-62,  
c. 121

(4) Subclause *vi* of clause *d* of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 392, s. 1,  
cl. *d*,  
subcl. *vi*,  
re-enacted



- (vi) as an inspector or in a supervisory capacity by a board, or as an inspector or in a supervisory capacity in the Department.

R.S.O. 1960,  
c. 392, s. 1,  
cl. d,  
amended

- (5) Clause *d* of the said section 1 is further amended by adding thereto the following subclause:

- (ixa) by any organization and in any capacity designated by the regulations.

R.S.O. 1960,  
c. 392, s. 1,  
cl. d,  
subcl. xii,  
amended

- (6) Subclause xii of clause *d* of the said section 1 is amended by striking out "to the Public Service Retirement Fund or" in the first and second lines.

R.S.O. 1960,  
c. 392, s. 2,  
subs. 4,  
re-enacted

- 2.** Subsection 4 of section 2 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor:

Vacancies

- (4) When a vacancy occurs among the members, another member shall be appointed by the Minister or by the governing body of the teachers' organization concerned, as the case may be, so soon as is practicable after the vacancy occurs, and the person so appointed shall hold office for the unexpired portion of the term of the member he replaces.

R.S.O. 1960,  
c. 392, s. 4,  
re-enacted

- 3.** Section 4 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor:

Officers,  
staff, etc.

- 4.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may,

- (a) establish job classifications, salary ranges and the terms and conditions of employment for its employees; and  
(b) appoint a director, an actuary, a solicitor, a medical referee and such other employees as are deemed proper.

Salaries

- (2) The employees of the Commission shall be paid out of the Fund.

R.S.O. 1960,  
c. 332,  
applicable

- (3) *The Public Service Superannuation Act* applies to the permanent employees of the Commission as though the Commission had been designated by the Lieutenant Governor in Council under section 27 of that Act.

R.S.O. 1960,  
c. 392, s. 5,  
subs. 3,  
amended

- 4.** Subsection 3 of section 5 of *The Teachers' Superannuation Act* is amended by striking out "1958" in the second line and inserting in lieu thereof "1966", so that the subsection shall read as follows:

SECTION 2. The subsection is re-enacted in order to avoid the necessity of an election to fill the unexpired portion of the term of a member of the Teachers' Superannuation Commission who represented a teachers' organization.

SECTION 3. These administrative provisions bring the Teachers' Superannuation Commission into line with other government commissions.

SECTION 4. Self-explanatory.

SECTION 5. The general interest rate under the Act is increased from  $4\frac{3}{4}$  per cent to 5 per cent.

SECTION 6. The director is substituted for the secretary as one of the two signing officers of the Commission.

SECTION 7. This section re-enacts in up-to-date form and in a more appropriate place the special provisions that apply to certain groups of persons on the staff of a college of education, The Ontario Institute for Studies in Education, and Lakehead University.

The existing substantive provisions on this subject are repealed by section 31 of this Bill.

- (3) The actuary of the Commission shall make an actuarial valuation of the Fund as of the 31st day of December, 1966, and as of the 31st day of December of each third year thereafter, but the Minister may direct him to make additional actuarial valuations of the Fund at any time. Actuarial valuations

5. Clause *a* of section 11 of *The Teachers' Superannuation Act* is amended by striking out "4¾ per cent" in the second line and inserting in lieu thereof "5 per cent". R.S.O. 1960, c. 392, s. 11, cl. a, amended

6. Clause *c* of subsection 1 of section 15 of *The Teachers' Superannuation Act*, as re-enacted by section 1 of *The Teachers' Superannuation Amendment Act, 1961-62*, is amended by striking out "secretary" and inserting in lieu thereof "director", so that the clause shall read as follows: R.S.O. 1960, c. 392, s. 15, subss. 1 (1961-62, c. 137, s. 1), cl. c, amended

(c) the director of the Commission.

7. *The Teachers' Superannuation Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 392, amended

17a. Every person,

Special  
U. of T.  
group

- (a) who was a contributor to the University of Toronto Pension Fund;
- (b) who has transferred or transfers to the Fund;
- (c) who has credit in the Fund for a period of ten or more years of service; and
- (d) who had or has credit in the University of Toronto Pension Fund for a period which, if that period and the period mentioned in clause *c* had both been served under this Act, would have entitled him to a superannuation allowance under this Act,

is entitled to a superannuation allowance calculated on the basis of his average salary for the seven years during which his salary was highest and for which he contributed to the Fund and bearing the same ratio to the allowance to which he would have been entitled if he had contributed to the Fund for the period for which he contributed to the University of Toronto Pension Fund as the number of his years of contribution to the Fund bears to the number, not exceeding thirty-five, of his years of contribution to the Fund and the University of Toronto Pension Fund.



O.C.E. staff,  
election as  
to fund

17b.—(1) Every person who joins the staff of a college of education on or after the day this section comes into force and who is eligible to contribute to the Fund shall, within three months after joining such staff, by notice in writing to the Commission and to the university of which the college is a part, elect to contribute to the Fund or to the pension fund of the university.

O.I.S.E.  
staff,  
election as  
to fund

(2) Every person now or hereafter on the staff of The Ontario Institute for Studies in Education who is eligible to contribute to the Fund shall, within three months after this section comes into force or within three months after joining such staff, whichever is the later, by notice in writing to the Commission and to the Institute, elect to contribute to the Fund or to the pension fund of the Institute.

Lakehead  
University  
1965, c. 54

(3) Notwithstanding section 18 of *The Lakehead University Act, 1965*, every person now or hereafter on the staff of Lakehead University on the 1st day of July, 1965, who is eligible to contribute to the Fund shall, within three months after this section comes into force, by notice in writing to the Commission and to the University, elect to contribute to the Fund or to the pension fund of the University.

No other  
election

(4) A person to whom subsection 1, 2 or 3 applies shall not have any other right of election and, if he fails to exercise his right of election thereunder, he shall be deemed to have elected to contribute to the Fund.

R.S.O. 1960,  
c. 392, s. 18,  
amended

8. Section 18 of *The Teachers' Superannuation Act* is amended by adding thereto the following subsection:

Additional  
contribution  
for extra  
services

(5) Every person who contributes to the Fund and to the Canada Pension Plan and who receives a salary of an amount less than the year's maximum pensionable earnings as prescribed by the *Canada Pension Plan* shall contribute to the Fund 1.8 per cent of the amount of any remuneration for extra services so long as the total of his salary and remuneration for extra services does not exceed the year's maximum pensionable earnings as prescribed by the *Canada Pension Plan*.

1964-65,  
c. 51 (Can.)

R.S.O. 1960,  
c. 392, s. 23,  
amended

9. Section 23 of *The Teachers' Superannuation Act* is amended by adding "and" at the end of clause *a* and by striking out clause *b*.



**SECTION 8.** The new subsection 5 is necessary in order to integrate the Teachers' Superannuation Fund with the Canada Pension Plan.

**SECTION 9.** The reference to the Public Service Retirement Fund is deleted as that Fund has been abolished.

SECTION 10. Self-explanatory.

SECTION 11—Subsection 1. The intent is clarified.

Subsection 2. The subsection is re-enacted in order to allow a reduction in the calculation of pension because of contributions diverted to the Canada Pension Plan.

Subsection 3. The minimum pension is abolished as it is no longer realistic.

**10.** *The Teachers' Superannuation Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 392,  
amended

24a. The Commission shall pay out of the Fund to the Canada Pension Plan sums equal to the amounts due under the *Canada Pension Plan* in respect of contributors to the Fund. Payments  
to Canada  
Pension  
Plan  
1964-65,  
c. 51 (Can.)

**11.**—(1) Clause *a* of subsection 1 of section 25 of *The Teachers' Superannuation Act* is amended by striking out "school years" in the first and second lines and inserting in lieu thereof "years of service", so that the clause shall read as follows: R.S.O. 1960,  
c. 392, s. 25,  
subs. 1,  
cl. *a*,  
amended

(a) has credit in the Fund for thirty-five or more years of service.

(2) Subsection 2 of the said section 25 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 392, s. 25,  
subs. 2,  
re-enacted

(2) The amount of such allowance shall be computed by multiplying an amount equal to 2 per cent of his average salary for the seven years during which his salary was highest by the number of years, not exceeding thirty-five, for which he has credit in the Fund, reduced by an amount equal to 0.7 per cent of such average salary for each year of credit in the Fund after the year 1965, but such reduction shall not be computed upon the amount, if any, that such average salary exceeds the year's maximum pensionable earnings under the *Canada Pension Plan* established at the time he ceased to be employed. Amount  
1964-65,  
c. 51 (Can.)

(2a) Where the person ceased to be employed before attaining the age at which he could become eligible for a benefit under the *Canada Pension Plan*, the reduction mentioned in subsection 2 does not apply until the first day of the month following the month in which he attains such age. Idem

(2b) Where the person ceased to be employed before the year 1967, the reduction mentioned in subsection 2 does not apply. Idem

(2c) Where the person did not contribute to the Canada Pension Plan, the reduction mentioned in subsection 2 does not apply. Idem

(3) Subsection 4 of the said section 25 is repealed.

R.S.O. 1960,  
c. 392, s. 25,  
subs. 4,  
repealed

R.S.O. 1960,  
c. 392, s. 26,  
subs. 1,  
cl. a,  
amended

**12.**—(1) Clause *a* of subsection 1 of section 26 of *The Teachers' Superannuation Act* is amended by striking out "school years" in the first and second lines and inserting in lieu thereof "years of service", so that the clause shall read as follows:

- (a) has credit in the Fund for forty or more years of service; and

R.S.O. 1960,  
c. 392, s. 26,  
subs. 2,  
amended

(2) Subsection 2 of the said section 26 is amended by striking out "subsection 2 of" in the second line and by striking out "but no such allowance shall be less than \$600" in the second and third lines, so that the subsection shall read as follows:

Amount

- (2) The amount of such allowance shall be computed in the manner prescribed by section 25.

R.S.O. 1960,  
c. 392, s. 27,  
subs. 1,  
cl. a,  
amended

**13.**—(1) Clause *a* of subsection 1 of section 27 of *The Teachers' Superannuation Act* is amended by striking out "school years" in the first line and inserting in lieu thereof "years of service", so that the clause shall read as follows:

- (a) has credit in the Fund for thirty or more years of service; and

R.S.O. 1960,  
c. 392, s. 27,  
subs. 2,  
re-enacted

(2) Subsection 2 of the said section 27 is repealed and the following substituted therefor:

Amount

- (2) The amount of such allowance shall be computed in the manner prescribed by subsections 2, 2*b* and 2*c* of section 25, but shall be further reduced or reduced, as the case may be,

(a) in the case of a person who has attained the age of sixty-one years but has not attained the age of sixty-five years at the beginning of the month following the month during which he ceased to be employed, by 5 per cent; or

(b) in the case of a person who has not attained the age of sixty-one years at the beginning of the month following the month during which he ceased to be employed, at the rate of 5 per cent in respect of each year by which he is less than sixty-two years of age at the beginning of the month in which his pension is to commence.

Commence-  
ment

- (3) Notwithstanding section 39, where a person ceased to be employed before attaining the age of fifty-five years, an allowance under this section shall commence

SECTION 12—Subsection 1. The intent is clarified.

Subsection 2. Section 26 of the Act is brought into line with section 25 as amended by this Bill.

SECTION 13—Subsection 1. The intent is clarified.

Subsection 2. The subsection is re-enacted in order to:

- (1) transfer the reduction factors from the regulations to the Act;
- (2) eliminate the minimum reduction factor where a person goes on pension at age 65; and
- (3) prevent a person from taking a service pension before age 55.



SECTION 14. These amendments:

- (1) transfer the reduction factors from the regulations to the Act; and
- (2) eliminate the minimum reduction factor where a person goes on pension at age 65.

SECTION 15. The new section 28*a* will provide a person, who has ten or more years of service credit and who retires before age 45, with an option of either taking a refund of all his contributions or taking a deferred pension at any time after age 55.

on the first day of the month following the month in which the person entitled thereto attains the age of fifty-five years.

**14.**—(1) Subsections 1, 2 and 3 of section 28 of *The Teachers' Superannuation Act*, as re-enacted by section 3 of *The Teachers' Superannuation Amendment Act, 1964*, are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 392, s. 28;  
(1964, c. 115,  
s. 3),  
subs. 1, 2,  
re-enacted;  
subs. 3,  
repealed

(1) Every person who,

Deferred  
pension

(a) has credit in the Fund for ten or more years of service;

(b) has ceased to be employed after the calendar year in which he attained forty-four years of age; and

(c) is not otherwise entitled to an allowance under this Act,

is entitled to an annual superannuation allowance during his lifetime.

(2) The amount of such allowance shall be computed in the manner prescribed by subsections 2, 2b and 2c of section 25.

Amount

(2) Subsection 5 of the said section 28 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 392, s. 28  
(1964, c. 115,  
s. 3),  
subs. 5,  
re-enacted

(5) Notwithstanding subsection 4, a person entitled to an allowance under this section may elect to have the allowance commence on the first day of any month after he has attained the age of fifty-five years so long as he is not employed at that time, and in such case the amount of the allowance shall be further reduced or reduced, as the case may be, at the rate of 5 per cent in respect of each year by which his age is less than sixty-five years at the time his allowance commences.

Idem

**15.** *The Teachers' Superannuation Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 392,  
amended

**28a.**—(1) Every person who,

Deferred  
pension  
option

(a) has credit in the Fund for ten or more years of service;

(b) has ceased to be employed before the calendar year in which he attained forty-five years of age; and

(c) is not otherwise entitled to an allowance under this Act,

is entitled either to an annual superannuation allowance during his lifetime or to a refund of his contributions under subsection 1 of section 48.

Idem

- (2) Where a person elects to take an allowance under subsection 1, subsections 2, 4, 5 and 6 of section 28 apply *mutatis mutandis*.

R.S.O. 1960,  
c. 392, s. 29,  
subs. 1,  
cl. a,  
amended

**16.**—(1) Clause *a* of subsection 1 of section 29 of *The Teachers' Superannuation Act* is amended by striking out "fifteen or more school years" and inserting in lieu thereof "ten or more years of service", so that the clause shall read as follows:

- (a) has credit in the Fund for ten or more years of service.

R.S.O. 1960,  
c. 392, s. 29,  
subs. 2,  
re-enacted

- (2) Subsection 2 of the said section 29 is repealed and the following substituted therefor:

Amount

- (2) The amount of such allowance shall be computed in the manner prescribed by subsections 2 and 2*c* of section 25, but the reduction prescribed by subsection 2 of section 25 does not apply to a teacher whose allowance commences before the 1st day of January, 1971.

R.S.O. 1960,  
c. 392, s. 30,  
subs. 1,  
cl. a,  
amended

**17.**—(1) Clause *a* of subsection 1 of section 30 of *The Teachers' Superannuation Act* is amended by striking out "fifteen or more school years" in the first and second lines and inserting in lieu thereof "ten or more years of service", so that the clause shall read as follows:

- (a) has credit in the Fund for ten or more years of service.

R.S.O. 1960,  
c. 392, s. 30,  
subs. 2,  
re-enacted

- (2) Subsection 2 of the said section 30 is repealed and the following substituted therefor:

Amount

- (2) The amount of such allowance shall be computed in the manner prescribed by subsections 2 and 2*c* of section 25, but the reduction prescribed by subsection 2 of section 25 does not apply to a teacher whose allowance commences before the 1st day of January, 1971.

SECTION 16—Subsection 1. The intent is clarified and the qualification period reduced from fifteen to ten years.

Subsection 2. As the *Canada Pension Plan* does not provide disability pensions until 1971, this subsection as re-enacted ensures that disability pensions from the Teachers' Superannuation Fund will not be reduced because of contributions to the Canada Pension Plan until disability pensions are available under that Plan.

SECTION 17—Subsection 1. The intent is clarified and the qualification period reduced from fifteen to ten years.

Subsection 2. Section 30 (2) of the Act. See note to section 16 (2) of this Bill.

Section 30 (3) of the Act. These amendments:

- (1) transfer the reduction factors from the regulations to the Act;
- (2) change the age from which the reduction factor is calculated from age 62 to age 65; and
- (3) eliminate the minimum reduction factor when a person goes on pension at age 65.

SECTION 18. The present section 31 of the Act, which provides special procedures and restricted rights for student teachers with a health impairment, is repealed.

It is replaced by a new section designed to ensure that teachers who retire after January 1, 1966, will not receive less pension than if they had retired before that date.

SECTION 19—Subsection 1. The amendment:

- (1) reduces the number of years required for a dependant's allowance from fifteen to ten;
- (2) provides for the integration of the dependant's allowance section of the Act with the *Canada Pension Plan*;
- (3) enables a widow to receive a dependant's allowance if her marriage takes place after the teacher reaches age 60 or after he goes on pension and if the teacher lives at least a year after the marriage; and
- (4) the reduction factor is transferred from the regulations to the Act.



- (3) The amount of the allowance computed under sub-<sup>Reduction</sup>section 2 shall be further reduced or reduced, as the case may be, at the rate of  $2\frac{1}{2}$  per cent in respect of each year by which the age of the person is less than sixty-five at the beginning of the month next following the month in which he ceased to be employed, but the reductions shall not exceed 25 per cent in aggregate.

**18.** Section 31 of *The Teachers' Superannuation Act*, as <sup>R.S.O. 1960,</sup> amended by section 3 of *The Teachers' Superannuation Amend-<sup>c. 392, s. 31,</sup>* <sup>re-enacted</sup>ment Act, 1962-63 and section 6 of *The Teachers' Superannuation Amendment Act, 1964*, is repealed and the following substituted therefor:

- 31.—(1) The amount of the superannuation allowance or <sup>Guarantee</sup>disability allowance of every person who was employed before the 1st day of January, 1966, shall be increased by the excess, if any, of,

- (a) the amount of the allowance that would have been payable to him calculated under *The Teachers' Superannuation Act* as it was on the 31st day of December, 1965,

over,

- (b) the amount of the allowance payable to him calculated under *The Teachers' Superannuation Act* as it was on the 1st day of January, 1966, together with the amount that he was entitled to receive under the *Canada Pension* <sup>1964-65,</sup> <sup>c. 51 (Can.)</sup> *Plan* at the time he was first eligible to receive a benefit under that Plan.

- (2) Nothing in subsection 1 entitles a person to an <sup>Idem</sup> allowance under section 27 before attaining the age of fifty-five years.

**19.**—(1) Subsection 1, as amended by section 7 of *The* <sup>R.S.O. 1960,</sup> *Teachers' Superannuation Amendment Act, 1964*, and subsec- <sup>c. 392, s. 32,</sup> <sup>subss. 1-3,</sup> <sup>re-enacted</sup>tions 2 and 3 of section 32 of *The Teachers' Superannuation Act* are repealed and the following substituted therefor:

- (1) Where a male person who has credit in the Fund for <sup>Dependant's</sup> <sup>allowance,</sup> <sup>"D" pension</sup> ten or more years dies while employed or within two years after ceasing to be employed on account of ill-health, or within one year after ceasing to be employed for any reason other than ill-health during

which year he manifested to the satisfaction of the Commission a *bona fide* intention of becoming employed as soon as possible, or where a male person who is in receipt of an allowance dies,

(a) leaving a widow, a dependant's allowance of an amount equal to,

- (i) one-half of the allowance computed in the manner prescribed in subsections 2 and 2c of section 25, but based on the person's credit in the Fund at the time of his death, or
- (ii) one-half of the allowance that the person was receiving at the date of his death, with the exception that, in the case of a person who was receiving an allowance under section 25 or 26 and had not attained the age of sixty-five years at the date of death, the allowance shall be one-half of the allowance that the person would have received at the beginning of the month following the month in which he attained the age of sixty-five years,

as the case may be, shall be paid to his widow during her lifetime or during her widowhood, and, where the widow dies or marries leaving a child or children who at the date of her death or marriage is or are under the age of eighteen years, a dependant's allowance of an amount equal to that paid to the widow shall be paid to the child or children until such age is attained; or

(b) leaving no widow but leaving a child or children under the age of eighteen years, a dependant's allowance of an amount equal to,

- (i) one-half of the allowance computed in the manner prescribed in subsections 2 and 2c of section 25, but based on the person's credit in the Fund at the time of his death, or
- (ii) one-half of the allowance that the person was receiving at the date of his death, with the exception that, in the



Subsection 2. The minimum dependant's allowance is deleted as it is no longer realistic.

SECTION 20. The provisions of section 32a are now dealt with in section 32 of the Act as amended by subsection 1 of section 19 of this Bill.

SECTION 21. The intent is clarified and the tables are transferred from the regulations to the Act.

case of a person who was receiving an allowance under section 25 or 26 and had not attained the age of sixty-five years at the date of death, the allowance shall be one-half of the allowance that the person would have received at the beginning of the month following the month in which he attained the age of sixty-five years,

as the case may be, shall be paid to such child or children until such age is attained.

- (2) Subsection 1 does not apply to the widow of a person if she married him after the date of his retirement or to the children of any such widow. Exceptions

- (3) Where the widow was at least ten years younger than her deceased husband, the payments under subsection 1 shall be reduced at the rate of  $2\frac{1}{2}$  per cent for each year that the widow was more than ten years younger than her husband. Where dependant's allowance to be reduced

- (2) Subsection 7 of the said section 32 is repealed.

R.S.O. 1960,  
c. 392, s. 32,  
subs. 7,  
repealed

**20.** Section 32a of *The Teachers' Superannuation Act*, as enacted by section 8 of *The Teachers' Superannuation Amendment Act, 1964*, is repealed. R.S.O. 1960,  
c. 392, s. 32a  
(1964, c. 115,  
s. 8),  
repealed

**21.** Subsection 1 of section 34 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 392, s. 34,  
subs. 1,  
re-enacted

- (1) A person who has no one to whom section 32 can apply may, by a direction in writing signed by him and deposited with the Commission at least two years before he ceases to be employed, direct that the allowance to which he would be entitled be converted and paid as an annuity to him upon his retirement for his lifetime and, after his death, at one-half the rate to any dependant named in the direction. Annuity in lieu of dependant's allowance

- (1a) The amount of such annuity shall be the percentage indicated in the following tables of the amount of the allowance that would have been payable had no direction been given: Amount



1. Where the dependant is younger than the person by the number of years indicated in the first column:

0 years.....	83.9%
1 " .....	82.9%
2 " .....	81.9%
3 " .....	80.9%
4 " .....	79.9%
5 " .....	78.9%
6 " .....	78.0%
7 " .....	77.1%
8 " .....	76.2%
9 " .....	75.3%
10 " .....	74.4%
11 " .....	73.6%
12 " .....	72.8%
13 " .....	72.0%
14 " .....	71.2%
15 " .....	70.5%
16 " .....	69.8%
17 " .....	69.2%
18 " .....	68.6%
19 " .....	68.0%
20 " .....	67.4%

2. Where the dependant is older than the person by the number of years indicated in the first column:

0 years.....	83.9%
1 " .....	84.9%
2 " .....	85.9%
3 " .....	86.8%
4 " .....	87.7%
5 " .....	88.6%
6 " .....	89.4%
7 " .....	90.2%
8 " .....	91.0%
9 " .....	91.7%
10 " .....	92.4%

R.S.O. 1960, c. 392, s. 39a  
 (1964, c. 115, s. 11),  
 re-enacted **22.** Section 39a of *The Teachers' Superannuation Act*, as enacted by section 11 of *The Teachers' Superannuation Amendment Act, 1964*, is repealed and the following substituted therefor:

**SECTION 22.** The section is re-enacted in order to extend the principle to all cases.

SECTION 23. The repeal of clause *b* is complementary to the repeal of section 31 of the Act by section 18 of this Bill.

SECTION 24. Self-explanatory. The refund provisions are simplified and the basis of payment of interest is changed from date of cessation of employment to the date that the individual contributions were made to the Fund. The deletion of subsection 3*a* dispenses with a special refund in the case of forced retirement. The normal three-month waiting period is extended to twelve months in the case of second or subsequent refunds.

SECTION 25. The section repealed, which dealt with second refunds, is now unnecessary because of the new refund provisions enacted by section 24 of this Bill.

It is replaced with a new section consolidating and up-dating the provisions of the Act and the regulations dealing with transfers to and from the Teachers' Superannuation Fund.

39a. Every allowance terminates as of the end of the month in which the event that terminates the allowance occurs. Termination of allowances

23. Clause b of subsection 1 of section 44 of *The Teachers' Superannuation Act* is repealed. R.S.O. 1960, c. 392, s. 44, subs. 1, cl. b, repealed

24. Subsection 1, subsections 2 and 3 as re-enacted by section 12 of *The Teachers' Superannuation Amendment Act, 1964*, and subsection 3a, as enacted by section 12 of *The Teachers' Superannuation Amendment Act, 1964*, of section 48 of *The Teachers' Superannuation Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 392, s. 48, subs. 1, subs. 2, 3, s. 12, re-enacted; subs. 3a (1964, c. 115, s. 12), repealed

(1) A person who, Refunds

(a) has credit in the Fund;

(b) is not entitled to an allowance under this Act; and

(c) ceases to be employed by withdrawing from the profession;

is entitled to a refund of an amount equal to the whole of his contributions to the Fund with interest on each amount contributed for the period of time it was in the Fund at the rate of 3 per cent per annum compounded half-yearly, but no such refund shall be made until three months after the date upon which the person ceased to be employed.

(2) Notwithstanding subsection 1, where a person has withdrawn his contributions from the Fund and subsequently was employed and again ceased to be employed, no refund under subsection 1 shall be made until twelve months have elapsed after the date upon which the person again ceased to be employed. Subsequent refunds

(3) Notwithstanding subsection 1, a person who has credit in the Fund for at least ten school years and was employed for at least twenty days in the calendar year in which he attained forty-five years of age or in a subsequent calendar year is not entitled to a refund of any contributions made to the Fund in respect of service rendered after the 31st day of December, 1964. Exception, where contributions locked in

25. Section 49 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 392, s. 49, re-enacted



Transfers  
from Fund  
to Public  
Service  
Superannua-  
tion Fund  
R.S.O. 1960,  
c. 332

49.—(1) A person who elects under *The Public Service Superannuation Act* to become a contributor to the Public Service Superannuation Fund is entitled to,

- (a) a refund under section 47 for his non-continuous service as determined by the Public Service Superannuation Board; and
- (b) a transfer to the Public Service Superannuation Fund of his contributions, the Government's contributions with respect thereto and interest on both such contributions for his continuous service as determined by the Public Service Superannuation Board.

Transfers  
from Fund  
to approved  
fund

- (2) Where a person ceases to be employed and becomes a contributor to a fund approved by the Commission, a sum of money equal to his contributions with interest at 3 per cent compounded half-yearly may, upon his request, be paid out of the Fund into such other fund.

Transfers  
from Public  
Service  
Superannua-  
tion Fund  
to Fund

- (3) Where a person's contributions in the Public Service Superannuation Fund are transferred under *The Public Service Superannuation Act* to the Fund, he is entitled to credit in the Fund for a period equal to the period for which he made contributions to the Public Service Superannuation Fund.

Idem,  
teachers

- (4) Where a person's contributions to the Public Service Superannuation Fund are not transferred under *The Public Service Superannuation Act* to the Fund and he was engaged in teaching while he was a civil servant, he is entitled to credit in the Fund for a period equal to the period for which he made contributions to the Public Service Superannuation Fund upon payment into the Fund of an amount equal to the teacher contribution applicable at the time of such service, the Government's contribution with respect thereto and interest on both such contributions.

R.S.O. 1960,  
c. 392, s. 50,  
subs. 1  
(1964, c. 115,  
s. 13,  
subs. 1),  
amended

**26.**—(1) Subsection 1 of section 50 of *The Teachers' Superannuation Act*, as re-enacted by subsection 1 of section 13 of *The Teachers' Superannuation Amendment Act, 1964*, is amended by striking out "at the rate of  $4\frac{3}{4}$  per cent per annum compounded half-yearly for the period" in the ninth, tenth and eleventh lines.

R.S.O. 1960,  
c. 392, s. 50,  
amended

(2) The said section 50 is amended by adding thereto the following subsection:



SECTION 26—Subsection 1. See note to section 5 of this Bill.

Subsection 2. This new subsection will make it impossible for a person who elected to have a refund, rather than a deferred pension, to repay his refund and reinstate himself in the Fund upon return to employment.

SECTION 27. The section repealed is now covered in section 54 of the Act.

SECTION 28. The cross-references are brought up to date by the deletion of section 51 of the Act, which is repealed by section 27 of this Bill.

SECTION 29. The amendment extends the application of the section to all who die before receiving an allowance.

SECTION 30—Subsection 1. Complementary to subsection 5 of section 1 of this Bill.

Subsection 2. The paragraphs repealed are obsolete as their content has been transferred to the Act.

Subsection 3. The power to make "transfer" regulations is widened in order to provide for transfers from the Teachers' Superannuation Fund to funds such as the Ontario Municipal Employees Retirement Fund.

Subsection 4. The reference to the Public Service Retirement Fund is deleted as that Fund has been abolished.

- (2) Notwithstanding subsection 1, a person who has elected to have a refund rather than an allowance under section 28 or 28*a* is not entitled to be reinstated in the Fund in respect of the period of employment for which the refund was made. Repayment prohibited

**27.** Section 51 of *The Teachers' Superannuation Act* is repealed. R.S.O. 1960,  
c. 392, s. 51,  
repealed

**28.** Section 53 of *The Teachers' Superannuation Act* is amended by striking out "51" in the first line. R.S.O. 1960,  
c. 392, s. 53,  
amended

**29.** Section 54 of *The Teachers' Superannuation Act* is amended by striking out "who has been employed for five or more years and" in the first and second lines, so that the section shall read as follows: R.S.O. 1960,  
c. 392, s. 54,  
amended

54. Where a person who is not in receipt of an allowance dies and no dependant's allowance becomes payable on his death, his personal representative is entitled to a refund of an amount equal to the amounts contributed by him to the Fund with interest on each amount for the period of time it was in the Fund to the date of death at the rate of 3 per cent per annum compounded half-yearly. Death before receiving allowance

**30.—**(1) Section 58 of *The Teachers' Superannuation Act* is amended by adding thereto the following paragraph: R.S.O. 1960,  
c. 392, s. 58,  
amended

- 4*a.* designating organizations and capacities for the purpose of subclause *ix**a* of clause *d* of section 1.

(2) Paragraphs 14, 15 and 16 of the said section 58 are repealed. R.S.O. 1960,  
c. 392, s. 58,  
pars. 14-16,  
repealed

(3) Paragraph 23 of the said section 58 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 392, s. 58,  
par. 23,  
re-enacted

23. providing for and regulating the transfer from the Fund into any other fund established under the authority of the Parliament of Canada or the Legislature of any province of Canada of an amount equal to a teacher's contributions, government contributions in respect thereof, and accumulated interest thereon, or equal to any one or more of them.

(4) Paragraph 24 of the said section 58 is amended by striking out "the Public Service Retirement Fund or" in the third and fourth lines, so that the paragraph shall read as follows: R.S.O. 1960,  
c. 392, s. 58,  
par. 24,  
amended

24. prescribing the conditions under which credit in the Fund may be given where moneys are transferred to the Fund from the Public Service Superannuation Fund and prescribing the method of determining the period for which credit shall be given.

1960-61,  
c. 98, s. 3;  
1962-63,  
c. 138, s. 5,  
repealed

**31.** Section 3 of *The Teachers' Superannuation Amendment Act, 1960-61* and section 5 of *The Teachers' Superannuation Amendment Act, 1962-63* are repealed.

Commence-  
ment

**32.**—(1) This Act, except sections 1, 5, 8 to 25 and 27 to 30, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of April, 1965.

Idem

(3) Sections 8 to 25 and 27 to 30 shall be deemed to have come into force on the 1st day of January, 1966.

Idem

(4) Section 5 comes into force on the 1st day of November, 1966.

Short title

**33.** This Act may be cited as *The Teachers' Superannuation Amendment Act, 1966*.

SECTION 31. See note to section 7 of this Bill.

SECTION 32. The provisions that are designed to integrate the Teachers' Superannuation Fund with the Canada Pension Plan commence with the calendar year 1966, and the change in the interest rate will be effective from the commencement of the Commission's fiscal year.







An Act to amend  
The Teachers' Superannuation Act

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*1st Reading*

June 23rd, 1966

*2nd Reading*

*3rd Reading*

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MR. DAVIS

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# **BILL 186**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Teachers' Superannuation Act**

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**MR. DAVIS**

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(1) *Chlorophyll a* (Chl *a*)

*Chlorophyll a* (Chl *a*)

*Chlorophyll a* (Chl *a*)



BILL 186

1966

## An Act to amend The Teachers' Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Teachers' Superannuation Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: R.S.O. 1960,  
c. 392, s. 1,  
amended

(a) "actuary" means a Fellow of the Canadian Institute of Actuaries.

(2) Clause *d* of the said section 1 is amended by adding thereto the following subclause: R.S.O. 1960,  
c. 392, s. 1,  
cl. *d*,  
amended

(iva) as a teacher by a minister of a department of the Government of Ontario.

(3) Subclause *v* of clause *d* of the said section 1, as re-enacted by section 1 of *The Teachers' Superannuation Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 392, s. 1,  
cl. *d*,  
subcl. *v*  
(1964, c. 115,  
s. 1),  
re-enacted

(v) as a teacher in a college of education, Elliot Lake Centre for Continuing Education, Moosonee Education Centre, the Institute of Child Study, Retarded Children's Education Authority, The Ontario Institute for Studies in Education, the University of Toronto Schools, the Ontario College of Art, the Royal Ontario Museum, Lakehead University, Ryerson Polytechnical Institute, St. Mary's Training School for Girls, Toronto, St. John's Training School for Boys, Uxbridge, St. Joseph's Training School for Boys, Alfred, or in the civil service as defined in *The Public Service Act, 1961-62*.

1961-62,  
c. 121

(4) Subclause *vi* of clause *d* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 392, s. 1,  
cl. *d*,  
subcl. *vi*,  
re-enacted

- (vi) as an inspector or in a supervisory capacity by a board, or as an inspector or in a supervisory capacity in the Department.

R.S.O. 1960,  
c. 392, s. 1,  
cl. d,  
amended

- (5) Clause *d* of the said section 1 is further amended by adding thereto the following subclause:

- (ixa) by any organization and in any capacity designated by the regulations.

R.S.O. 1960,  
c. 392, s. 1,  
cl. d,  
subcl. xii,  
amended

- (6) Subclause xii of clause *d* of the said section 1 is amended by striking out "to the Public Service Retirement Fund or" in the first and second lines.

R.S.O. 1960,  
c. 392, s. 2,  
subs. 4,  
re-enacted

- 2.** Subsection 4 of section 2 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor:

Vacancies

- (4) When a vacancy occurs among the members, another member shall be appointed by the Minister or by the governing body of the teachers' organization concerned, as the case may be, so soon as is practicable after the vacancy occurs, and the person so appointed shall hold office for the unexpired portion of the term of the member he replaces.

R.S.O. 1960,  
c. 392, s. 4,  
re-enacted

- 3.** Section 4 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor:

Officers,  
staff, etc.

- 4.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may,

- (a) establish job classifications, salary ranges and the terms and conditions of employment for its employees; and  
(b) appoint a director, an actuary, a solicitor, a medical referee and such other employees as are deemed proper.

Salaries

- (2) The employees of the Commission shall be paid out of the Fund.

R.S.O. 1960,  
c. 332,  
applicable

- (3) *The Public Service Superannuation Act* applies to the permanent employees of the Commission as though the Commission had been designated by the Lieutenant Governor in Council under section 27 of that Act.

R.S.O. 1960,  
c. 392, s. 5,  
subs. 3,  
amended

- 4.** Subsection 3 of section 5 of *The Teachers' Superannuation Act* is amended by striking out "1958" in the second line and inserting in lieu thereof "1966", so that the subsection shall read as follows:

- (3) The actuary of the Commission shall make an actuarial valuation of the Fund as of the 31st day of December, 1966, and as of the 31st day of December of each third year thereafter, but the Minister may direct him to make additional actuarial valuations of the Fund at any time. Actuarial valuations

5. Clause *a* of section 11 of *The Teachers' Superannuation Act* is amended by striking out "4¾ per cent" in the second line and inserting in lieu thereof "5 per cent". R.S.O. 1960,  
c. 392, s. 11,  
cl. a,  
amended

6. Clause *c* of subsection 1 of section 15 of *The Teachers' Superannuation Act*, as re-enacted by section 1 of *The Teachers' Superannuation Amendment Act, 1961-62*, is amended by striking out "secretary" and inserting in lieu thereof "director", so that the clause shall read as follows: R.S.O. 1960,  
c. 392, s. 15,  
subs. 1  
(1961-62,  
c. 137, s. 1),  
cl. c,  
amended

(c) the director of the Commission.

7. *The Teachers' Superannuation Act* is amended by adding thereto the following sections: R.S.O. 1960,  
c. 392,  
amended

17a. Every person, Special  
U. of T.  
group

- (a) who was a contributor to the University of Toronto Pension Fund;
- (b) who has transferred or transfers to the Fund;
- (c) who has credit in the Fund for a period of ten or more years of service; and
- (d) who had or has credit in the University of Toronto Pension Fund for a period which, if that period and the period mentioned in clause *c* had both been served under this Act, would have entitled him to a superannuation allowance under this Act,

is entitled to a superannuation allowance calculated on the basis of his average salary for the seven years during which his salary was highest and for which he contributed to the Fund and bearing the same ratio to the allowance to which he would have been entitled if he had contributed to the Fund for the period for which he contributed to the University of Toronto Pension Fund as the number of his years of contribution to the Fund bears to the number, not exceeding thirty-five, of his years of contribution to the Fund and the University of Toronto Pension Fund.



O.C.E. staff,  
election as  
to fund

17b.—(1) Every person who joins the staff of a college of education on or after the day this section comes into force and who is eligible to contribute to the Fund shall, within three months after joining such staff, by notice in writing to the Commission and to the university of which the college is a part, elect to contribute to the Fund or to the pension fund of the university.

O.I.S.E.  
staff,  
election as  
to fund

(2) Every person now or hereafter on the staff of The Ontario Institute for Studies in Education who is eligible to contribute to the Fund shall, within three months after this section comes into force or within three months after joining such staff, whichever is the later, by notice in writing to the Commission and to the Institute, elect to contribute to the Fund or to the pension fund of the Institute.

Lakehead  
University  
1965, c. 54

(3) Notwithstanding section 18 of *The Lakehead University Act, 1965*, every person now or hereafter on the staff of Lakehead University on the 1st day of July, 1965, who is eligible to contribute to the Fund shall, within three months after this section comes into force, by notice in writing to the Commission and to the University, elect to contribute to the Fund or to the pension fund of the University.

No other  
election

(4) A person to whom subsection 1, 2 or 3 applies shall not have any other right of election and, if he fails to exercise his right of election thereunder, he shall be deemed to have elected to contribute to the Fund.

R.S.O. 1960,  
c. 392, s. 18,  
amended

**8.** Section 18 of *The Teachers' Superannuation Act* is amended by adding thereto the following subsection:

Additional  
contribution  
for extra  
services

1964-65,  
c. 51 (Can.)

(5) Every person who contributes to the Fund and to the Canada Pension Plan and who receives a salary of an amount less than the year's maximum pensionable earnings as prescribed by the *Canada Pension Plan* shall contribute to the Fund 1.8 per cent of the amount of any remuneration for extra services so long as the total of his salary and remuneration for extra services does not exceed the year's maximum pensionable earnings as prescribed by the *Canada Pension Plan*.

R.S.O. 1960,  
c. 392, s. 23,  
amended

**9.** Section 23 of *The Teachers' Superannuation Act* is amended by adding "and" at the end of clause *a* and by striking out clause *b*.

**10.** *The Teachers' Superannuation Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 392,  
amended

24a. The Commission shall pay out of the Fund to the Canada Pension Plan sums equal to the amounts due under the *Canada Pension Plan* in respect of contributors to the Fund. Payments  
to Canada  
Pension  
Plan  
1964-65,  
c. 51 (Can.)

**11.**—(1) Clause *a* of subsection 1 of section 25 of *The Teachers' Superannuation Act* is amended by striking out "school years" in the first and second lines and inserting in lieu thereof "years of service", so that the clause shall read as follows: R.S.O. 1960,  
c. 392, s. 25,  
subs. 1,  
cl. a,  
amended

(a) has credit in the Fund for thirty-five or more years of service.

(2) Subsection 2 of the said section 25 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 392, s. 25,  
subs. 2,  
re-enacted

(2) The amount of such allowance shall be computed by multiplying an amount equal to 2 per cent of his average salary for the seven years during which his salary was highest by the number of years, not exceeding thirty-five, for which he has credit in the Fund, reduced by an amount equal to 0.7 per cent of such average salary for each year of credit in the Fund after the year 1965, but such reduction shall not be computed upon the amount, if any, that such average salary exceeds the year's maximum pensionable earnings under the *Canada Pension Plan* established at the time he ceased to be employed. Amount  
1964-65,  
c. 51 (Can.)

(2a) Where the person ceased to be employed before attaining the age at which he could become eligible for a benefit under the *Canada Pension Plan*, the reduction mentioned in subsection 2 does not apply until the first day of the month following the month in which he attains such age. Idem

(2b) Where the person ceased to be employed before the year 1967, the reduction mentioned in subsection 2 does not apply. Idem

(2c) Where the person did not contribute to the Canada Pension Plan, the reduction mentioned in subsection 2 does not apply. Idem

(3) Subsection 4 of the said section 25 is repealed.

R.S.O. 1960,  
c. 392, s. 25,  
subs. 4,  
repealed



R.S.O. 1960,  
c. 392, s. 26,  
subs. 1,  
cl. a,  
amended

**12.**—(1) Clause *a* of subsection 1 of section 26 of *The Teachers' Superannuation Act* is amended by striking out "school years" in the first and second lines and inserting in lieu thereof "years of service", so that the clause shall read as follows:

(a) has credit in the Fund for forty or more years of service; and

R.S.O. 1960,  
c. 392, s. 26,  
subs. 2,  
amended

(2) Subsection 2 of the said section 26 is amended by striking out "subsection 2 of" in the second line and by striking out "but no such allowance shall be less than \$600" in the second and third lines, so that the subsection shall read as follows:

Amount

(2) The amount of such allowance shall be computed in the manner prescribed by section 25.

R.S.O. 1960,  
c. 392, s. 27,  
subs. 1,  
cl. a,  
amended

**13.**—(1) Clause *a* of subsection 1 of section 27 of *The Teachers' Superannuation Act* is amended by striking out "school years" in the first line and inserting in lieu thereof "years of service", so that the clause shall read as follows:

(a) has credit in the Fund for thirty or more years of service; and

R.S.O. 1960,  
c. 392, s. 27,  
subs. 2,  
re-enacted

(2) Subsection 2 of the said section 27 is repealed and the following substituted therefor:

Amount

(2) The amount of such allowance shall be computed in the manner prescribed by subsections 2, 2*b* and 2*c* of section 25, but shall be further reduced or reduced, as the case may be,

(a) in the case of a person who has attained the age of sixty-one years but has not attained the age of sixty-five years at the beginning of the month following the month during which he ceased to be employed, by 5 per cent; or

(b) in the case of a person who has not attained the age of sixty-one years at the beginning of the month following the month during which he ceased to be employed, at the rate of 5 per cent in respect of each year by which he is less than sixty-two years of age at the beginning of the month in which his pension is to commence.

Commence-  
ment

(3) Notwithstanding section 39, where a person ceased to be employed before attaining the age of fifty-five years, an allowance under this section shall commence

on the first day of the month following the month in which the person entitled thereto attains the age of fifty-five years.

**14.**—(1) Subsections 1, 2 and 3 of section 28 of *The Teachers' Superannuation Act*, as re-enacted by section 3 of *The Teachers' Superannuation Amendment Act, 1964*, are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 392, s. 28,  
(1964, c. 115,  
s. 3),  
subs. 1, 2,  
re-enacted;  
subs. 3,  
repealed

- (1) Every person who,
- (a) has credit in the Fund for ten or more years of service;
  - (b) has ceased to be employed after the calendar year in which he attained forty-four years of age; and
  - (c) is not otherwise entitled to an allowance under this Act,

Deferred  
pension

is entitled to an annual superannuation allowance during his lifetime.

- (2) The amount of such allowance shall be computed in the manner prescribed by subsections 2, 2b and 2c of section 25.

Amount

(2) Subsection 5 of the said section 28 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 392, s. 28  
(1964, c. 115,  
s. 3),  
subs. 5,  
re-enacted

- (5) Notwithstanding subsection 4, a person entitled to an allowance under this section may elect to have the allowance commence on the first day of any month after he has attained the age of fifty-five years so long as he is not employed at that time, and in such case the amount of the allowance shall be further reduced or reduced, as the case may be, at the rate of 5 per cent in respect of each year by which his age is less than sixty-five years at the time his allowance commences.

Idem

**15.** *The Teachers' Superannuation Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 392,  
amended

- 28a.**—(1) Every person who,
- (a) has credit in the Fund for ten or more years of service;
  - (b) has ceased to be employed before the calendar year in which he attained forty-five years of age; and

Deferred  
pension  
option

(c) is not otherwise entitled to an allowance under this Act,

is entitled either to an annual superannuation allowance during his lifetime or to a refund of his contributions under subsection 1 of section 48.

Idem

- (2) Where a person elects to take an allowance under subsection 1, subsections 2, 4, 5 and 6 of section 28 apply *mutatis mutandis*.

R.S.O. 1960,  
c. 392, s. 29,  
subs. 1,  
cl. a,  
amended

**16.**—(1) Clause *a* of subsection 1 of section 29 of *The Teachers' Superannuation Act* is amended by striking out "fifteen or more school years" and inserting in lieu thereof "ten or more years of service", so that the clause shall read as follows:

- (a) has credit in the Fund for ten or more years of service.

R.S.O. 1960,  
c. 392, s. 29,  
subs. 2,  
re-enacted

(2) Subsection 2 of the said section 29 is repealed and the following substituted therefor:

Amount

- (2) The amount of such allowance shall be computed in the manner prescribed by subsections 2 and 2c of section 25, but the reduction prescribed by subsection 2 of section 25 does not apply to a teacher whose allowance commences before the 1st day of January, 1971.

R.S.O. 1960,  
c. 392, s. 30,  
subs. 1,  
cl. a,  
amended

**17.**—(1) Clause *a* of subsection 1 of section 30 of *The Teachers' Superannuation Act* is amended by striking out "fifteen or more school years" in the first and second lines and inserting in lieu thereof "ten or more years of service", so that the clause shall read as follows:

- (a) has credit in the Fund for ten or more years of service.

R.S.O. 1960,  
c. 392, s. 30,  
subs. 2,  
re-enacted

(2) Subsection 2 of the said section 30 is repealed and the following substituted therefor:

Amount

- (2) The amount of such allowance shall be computed in the manner prescribed by subsections 2 and 2c of section 25, but the reduction prescribed by subsection 2 of section 25 does not apply to a teacher whose allowance commences before the 1st day of January, 1971.



- (3) The amount of the allowance computed under sub-<sup>Reduction</sup> section 2 shall be further reduced or reduced, as the case may be, at the rate of  $2\frac{1}{2}$  per cent in respect of each year by which the age of the person is less than sixty-five at the beginning of the month next following the month in which he ceased to be employed, but the reductions shall not exceed 25 per cent in aggregate.

**18.** Section 31 of *The Teachers' Superannuation Act*, as<sup>R.S.O. 1960,</sup> amended by section 3 of *The Teachers' Superannuation Amend-<sup>c. 392, s. 31,</sup>* *ment Act, 1962-63* and section 6 of *The Teachers' Superannua-<sup>re-enacted</sup>* *tion Amendment Act, 1964*, is repealed and the following substituted therefor:

- 31.—(1) The amount of the superannuation allowance or<sup>Guarantee</sup> disability allowance of every person who was employed before the 1st day of January, 1966, shall be increased by the excess, if any, of,

- (a) the amount of the allowance that would have been payable to him calculated under *The Teachers' Superannuation Act* as it was on the 31st day of December, 1965,

over,

- (b) the amount of the allowance payable to him calculated under *The Teachers' Superannua-<sup>1964-65,</sup>* *tion Act* as it was on the 1st day of January, 1966, together with the amount that he was entitled to receive under the *Canada Pension<sup>c. 51 (Can.)</sup>* Plan at the time he was first eligible to receive a benefit under that Plan.

- (2) Nothing in subsection 1 entitles a person to an<sup>Idem</sup> allowance under section 27 before attaining the age of fifty-five years.

**19.**—(1) Subsection 1, as amended by section 7 of *The<sup>R.S.O. 1960,</sup>* *Teachers' Superannuation Amendment Act, 1964*, and subsec-<sup>c. 392, s. 32,</sup> *tions 2 and 3 of section 32 of The Teachers' Superannua-<sup>subss. 1-3,</sup>* *tion Act* are repealed and the following substituted therefor:<sup>re-enacted</sup>

- (1) Where a male person who has credit in the Fund for<sup>Dependant's</sup> ten or more years dies while employed or within two<sup>allowance,</sup> years after ceasing to be employed on account of ill-<sup>"D" pension</sup> health, or within one year after ceasing to be employed for any reason other than ill-health during

which year he manifested to the satisfaction of the Commission a *bona fide* intention of becoming employed as soon as possible, or where a male person who is in receipt of an allowance dies,

- (a) leaving a widow, a dependant's allowance of an amount equal to,
  - (i) one-half of the allowance computed in the manner prescribed in subsections 2 and 2c of section 25, but based on the person's credit in the Fund at the time of his death, or
  - (ii) one-half of the allowance that the person was receiving at the date of his death, with the exception that, in the case of a person who was receiving an allowance under section 25 or 26 and had not attained the age of sixty-five years at the date of death, the allowance shall be one-half of the allowance that the person would have received at the beginning of the month following the month in which he attained the age of sixty-five years,

as the case may be, shall be paid to his widow during her lifetime or during her widowhood, and, where the widow dies or marries leaving a child or children who at the date of her death or marriage is or are under the age of eighteen years, a dependant's allowance of an amount equal to that paid to the widow shall be paid to the child or children until such age is attained; or

- (b) leaving no widow but leaving a child or children under the age of eighteen years, a dependant's allowance of an amount equal to,
  - (i) one-half of the allowance computed in the manner prescribed in subsections 2 and 2c of section 25, but based on the person's credit in the Fund at the time of his death, or
  - (ii) one-half of the allowance that the person was receiving at the date of his death, with the exception that, in the



case of a person who was receiving an allowance under section 25 or 26 and had not attained the age of sixty-five years at the date of death, the allowance shall be one-half of the allowance that the person would have received at the beginning of the month following the month in which he attained the age of sixty-five years,

as the case may be, shall be paid to such child or children until such age is attained.

- (2) Subsection 1 does not apply to the widow of a person Exceptions if she married him after the date of his retirement or to the children of any such widow.

- (3) Where the widow was at least ten years younger than her deceased husband, the payments under subsection 1 shall be reduced at the rate of  $2\frac{1}{2}$  per cent for each year that the widow was more than ten years younger than her husband. Where dependant's allowance to be reduced

- (2) Subsection 7 of the said section 32 is repealed. R.S.O. 1960, c. 392, s. 32, subs. 7, repealed

**20.** Section 32a of *The Teachers' Superannuation Act*, as enacted by section 8 of *The Teachers' Superannuation Amendment Act, 1964*, is repealed. R.S.O. 1960, c. 392, s. 32a (1964, c. 115, s. 8), repealed

**21.** Subsection 1 of section 34 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 392, s. 34, subs. 1, re-enacted

- (1) A person who has no one to whom section 32 can apply may, by a direction in writing signed by him and deposited with the Commission at least two years before he ceases to be employed, direct that the allowance to which he would be entitled be converted and paid as an annuity to him upon his retirement for his lifetime and, after his death, at one-half the rate to any dependant named in the direction. Annuity in lieu of dependant's allowance

- (1a) The amount of such annuity shall be the percentage Amount indicated in the following tables of the amount of the allowance that would have been payable had no direction been given:

1. Where the dependant is younger than the person by the number of years indicated in the first column:

0 years.....	83.9%
1 " .....	82.9%
2 " .....	81.9%
3 " .....	80.9%
4 " .....	79.9%
5 " .....	78.9%
6 " .....	78.0%
7 " .....	77.1%
8 " .....	76.2%
9 " .....	75.3%
10 " .....	74.4%
11 " .....	73.6%
12 " .....	72.8%
13 " .....	72.0%
14 " .....	71.2%
15 " .....	70.5%
16 " .....	69.8%
17 " .....	69.2%
18 " .....	68.6%
19 " .....	68.0%
20 " .....	67.4%

2. Where the dependant is older than the person by the number of years indicated in the first column:

0 years.....	83.9%
1 " .....	84.9%
2 " .....	85.9%
3 " .....	86.8%
4 " .....	87.7%
5 " .....	88.6%
6 " .....	89.4%
7 " .....	90.2%
8 " .....	91.0%
9 " .....	91.7%
10 " .....	92.4%

R.S.O. 1960, c. 392, s. 39a  
(1964, c. 115, s. 11),  
re-enacted

**22.** Section 39a of *The Teachers' Superannuation Act*, as enacted by section 11 of *The Teachers' Superannuation Amendment Act, 1964*, is repealed and the following substituted therefor:

39a. Every allowance terminates as of the end of the month in which the event that terminates the allowance occurs. Termination of allowances

23. Clause *b* of subsection 1 of section 44 of *The Teachers' Superannuation Act* is repealed. R.S.O. 1960, c. 392, s. 44, subs. 1, cl. b, repealed

24. Subsection 1, subsections 2 and 3 as re-enacted by section 12 of *The Teachers' Superannuation Amendment Act, 1964*, and subsection 3a, as enacted by section 12 of *The Teachers' Superannuation Amendment Act, 1964*, of section 48 of *The Teachers' Superannuation Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 392, s. 48, subs. 1, subss. 2, 3 (1964, c. 115, s. 12), re-enacted; subs. 3a (1964, c. 115, s. 12), repealed

(1) A person who,

Refunds

(a) has credit in the Fund;

(b) is not entitled to an allowance under this Act; and

(c) ceases to be employed by withdrawing from the profession,

is entitled to a refund of an amount equal to the whole of his contributions to the Fund with interest on each amount contributed for the period of time it was in the Fund at the rate of 3 per cent per annum compounded half-yearly, but no such refund shall be made until three months after the date upon which the person ceased to be employed.

(2) Notwithstanding subsection 1, where a person has withdrawn his contributions from the Fund and subsequently was employed and again ceased to be employed, no refund under subsection 1 shall be made until twelve months have elapsed after the date upon which the person again ceased to be employed. Subsequent refunds

(3) Notwithstanding subsection 1, a person who has credit in the Fund for at least ten school years and was employed for at least twenty days in the calendar year in which he attained forty-five years of age or in a subsequent calendar year is not entitled to a refund of any contributions made to the Fund in respect of service rendered after the 31st day of December, 1964. Exception, where contributions locked in

25. Section 49 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 392, s. 49, re-enacted



Transfers  
from Fund  
to Public  
Service  
Superannua-  
tion Fund  
R.S.O. 1960,  
c. 332

49.—(1) A person who elects under *The Public Service Superannuation Act* to become a contributor to the Public Service Superannuation Fund is entitled to,

- (a) a refund under section 47 for his non-continuous service as determined by the Public Service Superannuation Board; and
- (b) a transfer to the Public Service Superannuation Fund of his contributions, the Government's contributions with respect thereto and interest on both such contributions for his continuous service as determined by the Public Service Superannuation Board.

Transfers  
from Fund  
to approved  
fund

(2) Where a person ceases to be employed and becomes a contributor to a fund approved by the Commission, a sum of money equal to his contributions with interest at 3 per cent compounded half-yearly may, upon his request, be paid out of the Fund into such other fund.

Transfers  
from Public  
Service  
Superannua-  
tion Fund  
to Fund

(3) Where a person's contributions in the Public Service Superannuation Fund are transferred under *The Public Service Superannuation Act* to the Fund, he is entitled to credit in the Fund for a period equal to the period for which he made contributions to the Public Service Superannuation Fund.

Idem,  
teachers

(4) Where a person's contributions to the Public Service Superannuation Fund are not transferred under *The Public Service Superannuation Act* to the Fund and he was engaged in teaching while he was a civil servant, he is entitled to credit in the Fund for a period equal to the period for which he made contributions to the Public Service Superannuation Fund upon payment into the Fund of an amount equal to the teacher contribution applicable at the time of such service, the Government's contribution with respect thereto and interest on both such contributions.

R.S.O. 1960,  
c. 392, s. 50,  
subs. 1  
(1964, c. 115,  
s. 13,  
subs. 1),  
amended

**26.**—(1) Subsection 1 of section 50 of *The Teachers' Superannuation Act*, as re-enacted by subsection 1 of section 13 of *The Teachers' Superannuation Amendment Act, 1964*, is amended by striking out "at the rate of  $4\frac{3}{4}$  per cent per annum compounded half-yearly for the period" in the ninth, tenth and eleventh lines.

R.S.O. 1960,  
c. 392, s. 50,  
amended

(2) The said section 50 is amended by adding thereto the following subsection:

- (2) Notwithstanding subsection 1, a person who has elected to have a refund rather than an allowance under section 28 or 28a is not entitled to be re-instated in the Fund in respect of the period of employment for which the refund was made. Repayment prohibited

**27.** Section 51 of *The Teachers' Superannuation Act* is repealed. R.S.O. 1960, c. 392, s. 51, repealed

**28.** Section 53 of *The Teachers' Superannuation Act* is amended by striking out "51" in the first line. R.S.O. 1960, c. 392, s. 53, amended

**29.** Section 54 of *The Teachers' Superannuation Act* is amended by striking out "who has been employed for five or more years and" in the first and second lines, so that the section shall read as follows: R.S.O. 1960, c. 392, s. 54, amended

54. Where a person who is not in receipt of an allowance dies and no dependant's allowance becomes payable on his death, his personal representative is entitled to a refund of an amount equal to the amounts contributed by him to the Fund with interest on each amount for the period of time it was in the Fund to the date of death at the rate of 3 per cent per annum compounded half-yearly. Death before receiving allowance

**30.—(1)** Section 58 of *The Teachers' Superannuation Act* is amended by adding thereto the following paragraph: R.S.O. 1960, c. 392, s. 58, amended

4a. designating organizations and capacities for the purpose of subclause *ix*a of clause *d* of section 1.

(2) Paragraphs 14, 15 and 16 of the said section 58 are repealed. R.S.O. 1960, c. 392, s. 58, pars. 14-16, repealed

(3) Paragraph 23 of the said section 58 is repealed and the following substituted therefor: R.S.O. 1960, c. 392, s. 58, par. 23, re-enacted

23. providing for and regulating the transfer from the Fund into any other fund established under the authority of the Parliament of Canada or the Legislature of any province of Canada of an amount equal to a teacher's contributions, government contributions in respect thereof, and accumulated interest thereon, or equal to any one or more of them.

(4) Paragraph 24 of the said section 58 is amended by striking out "the Public Service Retirement Fund or" in the third and fourth lines, so that the paragraph shall read as follows: R.S.O. 1960, c. 392, s. 58, par. 24, amended



24. prescribing the conditions under which credit in the Fund may be given where moneys are transferred to the Fund from the Public Service Superannuation Fund and prescribing the method of determining the period for which credit shall be given.

1960-61,  
c. 98, s. 3;  
1962-63,  
c. 138, s. 5,  
repealed

**31.** Section 3 of *The Teachers' Superannuation Amendment Act, 1960-61* and section 5 of *The Teachers' Superannuation Amendment Act, 1962-63* are repealed.

Commence-  
ment

**32.**—(1) This Act, except sections 1, 5, 8 to 25 and 27 to 30, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of April, 1965.

Idem

(3) Sections 8 to 25 and 27 to 30 shall be deemed to have come into force on the 1st day of January, 1966.

Idem

(4) Section 5 comes into force on the 1st day of November, 1966.

Short title

**33.** This Act may be cited as *The Teachers' Superannuation Amendment Act, 1966*.



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*1st Reading*

June 23rd, 1966

*2nd Reading*

June 28th, 1966

*3rd Reading*

July 5th, 1966

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MR. DAVIS

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# BILL 187

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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n Act to provide for the Relocation of the Mulholland Cairn

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MR. SPOONER

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TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTE

The Bill provides the authority necessary for the acquisition by The Municipality of Metropolitan Toronto of lands vested in The Mulholland Cairn Board of Trustees under *The Mulholland Cairn Act, 1938* for the purpose of widening Woodbine Avenue, and the relocation of the Cairn on certain lands provided by The Municipality of Metropolitan Toronto.



BILL 187 1966

## An Act to provide for the Relocation of the Mulholland Cairn

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation
  - (a) "Board of Trustees" means The Mulholland Cairn Board of Trustees established by *The Mulholland Cairn Act, 1938*; 1938, c. 60
  - (b) "Mulholland Cairn" means the Mulholland Cairn referred to in section 2 of *The Mulholland Cairn Act, 1938*.
2. For the purpose of relocating the Mulholland Cairn, Conveyance of lands to Board of Trustees  
The Municipality of Metropolitan Toronto may acquire the lands described in the Schedule hereto and may convey such lands to the Board of Trustees.
3. Upon the conveyance of the lands referred to in section 2 Relocation of Mulholland Cairn  
to the Board of Trustees, the Board of Trustees is authorized to relocate the Mulholland Cairn upon such lands.
4. Upon the relocation of the Mulholland Cairn on the Effect of relocation  
lands referred to in section 2,
  - (a) section 9 of *The Mulholland Cairn Act, 1938*, prohibiting expropriation, applies to the lands referred to in section 2 of this Act and ceases to apply to the lands described in section 2 of *The Mulholland Cairn Act, 1938*;
  - (b) the lands referred to in section 2 of this Act may be leased by the Board of Trustees to The Municipality of Metropolitan Toronto for park purposes; and

1938, c. 60

(c) the lands described in section 2 of *The Mulholland Cairn Act, 1938* may be conveyed by the Board of Trustees to The Municipality of Metropolitan Toronto at such price as may be agreed upon and, in default of agreement, may be expropriated by the said Municipality, and *The Expropriation Procedures Act, 1962-63* applies to any such expropriation.

1962-63,  
c. 43Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Mulholland Cairn Act, 1966*.

## SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of North York, County of York, Province of Ontario, and being lots 101 and 102 according to a plan registered in the Registry Office for the Registry Division of the East and West Ridings of the County of York as No. 6311.









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*1st Reading*

June 23rd, 1966

*2nd Reading*

*3rd Reading*

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MR. SPOONER

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# **BILL 187**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to provide for the Relocation of the Mulholland Cairn**

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**MR. SPOONER**

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**TORONTO**

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## An Act to provide for the Relocation of the Mulholland Cairn

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpre-  
tation

- (a) "Board of Trustees" means The Mulholland Cairn Board of Trustees established by *The Mulholland Cairn Act, 1938*; 1938, c. 60
- (b) "Mulholland Cairn" means the Mulholland Cairn referred to in section 2 of *The Mulholland Cairn Act, 1938*.

2. For the purpose of relocating the Mulholland Cairn, Conveyance  
of lands  
to Board  
of Trustees  
The Municipality of Metropolitan Toronto may acquire the lands described in the Schedule hereto and may convey such lands to the Board of Trustees.

3. Upon the conveyance of the lands referred to in section 2 Relocation  
of Mul-  
holland  
Cairn  
to the Board of Trustees, the Board of Trustees is authorized to relocate the Mulholland Cairn upon such lands.

4. Upon the relocation of the Mulholland Cairn on the Effect of  
relocation  
lands referred to in section 2,

- (a) section 9 of *The Mulholland Cairn Act, 1938*, prohibiting expropriation, applies to the lands referred to in section 2 of this Act and ceases to apply to the lands described in section 2 of *The Mulholland Cairn Act, 1938*;
- (b) the lands referred to in section 2 of this Act may be leased by the Board of Trustees to The Municipality of Metropolitan Toronto for park purposes; and

1938, c. 60

(c) the lands described in section 2 of *The Mulholland Cairn Act, 1938* may be conveyed by the Board of Trustees to The Municipality of Metropolitan Toronto at such price as may be agreed upon and, in default of agreement, may be expropriated by the said Municipality, and *The Expropriation Procedures Act, 1962-63* applies to any such expropriation.

1962-63,  
c. 43Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Mulholland Cairn Act, 1966*.

## SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of North York, County of York, Province of Ontario, and being lots 101 and 102 according to a plan registered in the Registry Office for the Registry Division of the East and West Ridings of the County of York as No. 6311.









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*1st Reading*

June 23rd, 1966

*2nd Reading*

June 28th, 1966

*3rd Reading*

July 5th, 1966

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MR. SPOONER

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# BILL 188

4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

## An Act to amend The Ontario Municipal Employees Retirement System Act, 1961-62

MR. SPOONER

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



#### EXPLANATORY NOTES

SECTION 1. Employer is redefined to permit certain designated associations of municipalities and local boards to participate in the System.

Supplementary benefits are defined for the purposes of the regulations under section 3 of this Bill.

SECTION 2. Section 8 is revised to take into account in the Act,

1. the Canada Pension Plan,
2. the date July 1st, 1965, previously designated by regulation, on which the section became effective.

BILL 188

1966

## An Act to amend The Ontario Municipal Employees Retirement System Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *f* of section 1 of *The Ontario Municipal Employees Retirement System Act, 1961-62*, as amended by subsection 2 of section 1 of *The Ontario Municipal Employees Retirement System Amendment Act, 1964*, is repealed and the following substituted therefor:

(f) "employer" means a municipality, local board or district assessor, or an association of municipalities or local boards or of their officials designated by the Lieutenant Governor in Council as an employer under this Act.

(2) The said section 1 is amended by adding thereto the following clause:

(oa) "supplementary benefit" means a benefit in addition to the benefit to which a member, his widow, child, beneficiary or estate is entitled by reason of his membership in the System.

2. Section 8 of *The Ontario Municipal Employees Retirement System Act, 1961-62* is repealed and the following substituted therefor:

8.—(1) Notwithstanding any general or special Act, an employer shall not make a contribution for the provision of a pension to an employee unless the contribution is made,

(a) under this Act or the *Canada Pension Plan*; or

(b) under an approved pension plan in respect of an employee who became employed by the employer before the 1st day of July, 1965,

provided that such plan was in effect on such day and the contribution is in respect of service of the employee before he becomes entitled to be a member under the regulations.

Where  
bargaining  
agreement

- (2) If an employer is required to make contributions to an approved pension plan under the terms of a bargaining agreement with respect to any employees and to persons who may become employees, the date the agreement is terminated or the 1st day of July, 1968, whichever is earlier, shall be substituted for the 1st day of July, 1965, in subsection 1 as it applies to such employees or persons.

1961-62,  
c. 97, s. 14,  
amended

**3.** Section 14 of *The Ontario Municipal Employees Retirement System Act, 1961-62* is amended by adding thereto the following clause:

- (ha) providing for supplementary benefits and prescribing the terms and conditions upon which such supplementary benefits may be provided.

1961-62,  
c. 97, s. 15,  
subs. 2,  
amended

**4.** Subsection 2 of section 15 of *The Ontario Municipal Employees Retirement System Act, 1961-62* is amended by striking out "Minister" in the second line and inserting in lieu thereof "Department of Municipal Affairs", so that the subsection shall read as follows:

Amendment  
or repeal

- (2) No by-law or resolution passed under subsection 1 shall be amended or repealed without the approval of the Department of Municipal Affairs.

Commence-  
ment

**5.—(1)** This Act, except section 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 4 shall be deemed to have come into force on the 18th day of April, 1962.

Short title

**6.** This Act may be cited as *The Ontario Municipal Employees Retirement System Amendment Act, 1966*.

SECTION 3. The new clause *ha* authorizes regulations to be made providing for pension benefits in addition to the basic benefits that are available to all members.

SECTION 4. The amendment substitutes the Department for the Minister in relation to the approval of amendments to by-laws providing for participation in the System.







An Act to amend The Ontario Municipal  
Employees Retirement System Act, 1961-62

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*1st Reading*

June 24th, 1966

*2nd Reading*

*3rd Reading*

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MR. SPOONER

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# **BILL 188**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Ontario Municipal Employees Retirement System Act, 1961-62**

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**MR. SPOONER**

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BILL 188

1966

## An Act to amend The Ontario Municipal Employees Retirement System Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *f* of section 1 of *The Ontario Municipal Employees Retirement System Act, 1961-62*, as amended by subsection 2 of section 1 of *The Ontario Municipal Employees Retirement System Amendment Act, 1964*, is repealed and the following substituted therefor:

(f) “employer” means a municipality, local board or district assessor, or an association of municipalities or local boards or of their officials designated by the Lieutenant Governor in Council as an employer under this Act.

(2) The said section 1 is amended by adding thereto the following clause:

(oa) “supplementary benefit” means a benefit in addition to the benefit to which a member, his widow, child, beneficiary or estate is entitled by reason of his membership in the System.

2. Section 8 of *The Ontario Municipal Employees Retirement System Act, 1961-62* is repealed and the following substituted therefor:

8.—(1) Notwithstanding any general or special Act, an employer shall not make a contribution for the provision of a pension to an employee unless the contribution is made,

(a) under this Act or the *Canada Pension Plan*; or

(b) under an approved pension plan in respect of an employee who became employed by the employer before the 1st day of July, 1965,



provided that such plan was in effect on such day and the contribution is in respect of service of the employee before he becomes entitled to be a member under the regulations.

Where bargaining agreement

- (2) If an employer is required to make contributions to an approved pension plan under the terms of a bargaining agreement with respect to any employees and to persons who may become employees, the date the agreement is terminated or the 1st day of July, 1968, whichever is earlier, shall be substituted for the 1st day of July, 1965, in subsection 1 as it applies to such employees or persons.

1961-62, c. 97, s. 14, amended

**3.** Section 14 of *The Ontario Municipal Employees Retirement System Act, 1961-62* is amended by adding thereto the following clause:

- (ha) providing for supplementary benefits and prescribing the terms and conditions upon which such supplementary benefits may be provided.

1961-62, c. 97, s. 15, subs. 2, amended

**4.** Subsection 2 of section 15 of *The Ontario Municipal Employees Retirement System Act, 1961-62* is amended by striking out "Minister" in the second line and inserting in lieu thereof "Department of Municipal Affairs", so that the subsection shall read as follows:

Amendment or repeal

- (2) No by-law or resolution passed under subsection 1 shall be amended or repealed without the approval of the Department of Municipal Affairs.

Commencement

**5.—**(1) This Act, except section 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 4 shall be deemed to have come into force on the 18th day of April, 1962.

Short title

**6.** This Act may be cited as *The Ontario Municipal Employees Retirement System Amendment Act, 1966*.







An Act to amend The Ontario Municipal  
Employees Retirement System Act, 1961-62

---

*1st Reading*

June 24th, 1966

*2nd Reading*

June 28th, 1966

*3rd Reading*

July 5th, 1966

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MR. SPOONER

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# **BILL 189**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to reform and make uniform the Law regarding Security Interests in Personal Property and Fixtures**

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**MR. WISHART**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

#### EXPLANATORY NOTE

This Bill is introduced and given First Reading at this Session of the Legislature in order that it may have wide distribution in convenient form for study by persons and organizations interested. This will also permit consideration in connection with this Bill of the results of the studies now being made by the Department of Transport as to the use of electronic devices in a central registration system for motor vehicles.

The purpose of the Bill is to reform and make uniform the law regarding security interests in personal property and fixtures. This is the field of commercial transactions now covered in Ontario by *The Assignment of Book Debts Act*, *The Bills of Sale and Chattel Mortgages Act*, *The Conditional Sales Act* and *The Corporation Securities Registration Act* and in all the large commercial states of the United States by the Uniform Commercial Code upon which this Bill is based.

The Bill was originally developed by a committee under the chairmanship of Fred M. Catzman, Q.C., and was approved in principle by the Canadian Bar Association and the Attorney General's Committee on the Administration of Justice.

The Bill in its present form is the result of intensive study by the Ontario Law Reform Commission and is the subject of Report No. 3, dated May 28, 1965, and of Report No. 3A, dated May 18, 1966, of the Commission.

Copies of this Bill and the Reports of the Ontario Law Reform Commission may be obtained upon request to the Office of the Attorney General, Parliament Buildings, Toronto.

Comments and suggestions with respect to the Bill will be welcomed and should be addressed to the Attorney General, Parliament Buildings, Toronto.

See also Bill 191, *An Act to amend The Sale of Goods Act*.

**BILL 189** 1966

**An Act to reform and make uniform the  
Law regarding Security Interests in  
Personal Property and Fixtures**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

**Interpre-  
tation**

- (a) "accessions" means goods that are installed in or affixed to other goods;
- (b) "account debtor" means a person who is obligated on chattel paper or on an intangible;
- (c) "chattel paper" means one or more than one writing that expresses both a monetary obligation and a security interest;
- (d) "collateral" means property that is subject to a security interest;
- (e) "consumer goods" means goods that are used or acquired for use primarily for personal, family or household purposes;
- (f) "creditor" includes an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver, and an executor, administrator or committee;
- (g) "debtor" means a person who owes payment or other performance of the obligation secured, whether or not he owns or has rights in the collateral, and includes an assignor of books debts and an assignee of the debtor's interest in the collateral referred to in subsection 1 of section 50, or such one or more of them as the context requires;

- (h) "default" means the failure to pay or otherwise perform the obligation secured when due or the occurrence of any event whereupon under the terms of the security agreement the security becomes enforceable;
- (i) "document of title" means any writing that purports to be issued by or addressed to a bailee and purports to cover such goods in the bailee's possession as are identified or fungible portions of an identified mass, and that in the ordinary course of business is treated as establishing that the person in possession of it is entitled to receive, hold and dispose of the document and the goods it covers;
- (j) "equipment" means goods that are not inventory or consumer goods;
- (k) "goods" means all chattels personal, other than choses in action and money, and includes emblements and industrial growing crops, and oil, gas and other minerals to be extracted, and timber to be cut, and goods are either consumer goods, equipment or inventory;
- (l) "instrument" means a bill, note or cheque within the meaning of the *Bills of Exchange Act* (Canada), or any other writing that evidences a right to the payment of money and is of a type that in the ordinary course of business is transferred by delivery with any necessary endorsement or assignment, but does not include a writing that constitutes part of chattel paper, a document of title or securities;
- (m) "intangible" means a chose in action, but does not include chattel paper, a document of title, an instrument or securities;
- (n) "inventory" means goods that are held by a person for sale or lease, or that are to be furnished or have been furnished under a contract of service, or that are raw materials, work in process or materials used or consumed in a business or profession;
- (o) "judge" means a judge of a county or district court;
- (p) "notify" means to take such steps as are reasonably required to give information to the person to be notified so that,

(i) it comes to his attention, or



- (ii) it is directed to such person at his customary address or at his place of residence, or at such other place as is designated by him over his signature,

and "notification" has a corresponding meaning;

- (q) "proceeds" means personal property in any form or fixtures derived directly or indirectly from any dealing with collateral or proceeds or that indemnifies or compensates for collateral destroyed or damaged;
- (r) "purchase-money security interest" means a security interest that is,
  - (i) taken or reserved by the seller of the collateral to secure payment of all or part of its price, or
  - (ii) taken by a person who gives value that enables the debtor to acquire rights in or the use of the collateral, if such value is applied to acquire such rights;
- (s) "registrar" means the registrar of personal property security;
- (t) "secured party" means a person who has a security interest;
- (u) "securities" means shares, stock, warrants, bonds, debentures, debenture stock or the like issued by a corporation or other person, or a partnership, association or government;
- (v) "security agreement" means an agreement that creates or provides for a security interest;
- (w) "security interest" means an interest in goods, other than building materials that have been affixed to the realty, fixtures, documents of title, instruments, securities, chattel papers or intangibles that secures payment or performance of an obligation, and includes an interest arising from an assignment of book debts;
- (x) "value" means any consideration sufficient to support a simple contract.



## PART I

Application  
of Act

**2.** Except as otherwise provided in subsection 1 of section 3, this Act applies,

- (a) to every transaction without regard to its form and without regard to the person who has title to the collateral that in substance creates a security interest, including, without limiting the foregoing,
  - (i) a chattel mortgage, conditional sale, equipment trust, floating charge, pledge, trust deed or trust receipt, and
  - (ii) an assignment, lease or consignment intended as security; and
- (b) to every assignment of book debts not intended as security.

Where Act  
does not  
apply

**3.—(1)** This Act does not apply,

- (a) to a lien given by statute or rule of law, except as provided in section 33, clause *b* of subsection 3 of section 37, and clause *b* of subsection 2 of section 39;
- (b) to a transfer of an interest or claim in or under any policy of insurance or contract of annuity; or
- (c) to a transaction under *The Pawnbrokers Act*.

R.S.O. 1960,  
c. 290

Rights  
under  
R.S.O. 1960,  
c. 358,  
not  
affected

(2) The rights of buyers and sellers under subsection 2 of section 20 and sections 39, 40, 41 and 43 of *The Sale of Goods Act* are not affected by this Act.

Errors,  
omissions,  
etc.

**4.** A document to which this Act applies is not invalidated nor shall its effect be destroyed by reason only of a defect, irregularity, omission or error therein or in the execution thereof unless, in the opinion of the court, the defect, irregularity, omission or error is shown to have actually misled some person whose interests are affected by the document.

Conflict  
of laws

**5.—(1)** If the office where the assignor of intangibles that are accounts receivable or contract rights keeps the records concerning them is in Ontario, the validity and perfection of a security interest therein and the possibility and effect of proper registration are governed by this Act, otherwise by the law, including the conflict of laws rules, of the jurisdiction where such office is located.

(2) Where the chief place of business of a debtor is in <sup>Idem</sup> Ontario, the validity and perfection of a security interest and the possibility and effect of proper registration with regard to intangibles, other than accounts receivable or contract rights, or with regard to goods of a type that are normally used in more than one jurisdiction, if such goods are classified as equipment or classified as inventory by reason of their being leased by the debtor to others, are governed by this Act; otherwise by the law, including the conflict of laws rules, of the jurisdiction where such chief place of business is located.

(3) If a jurisdiction does not provide, by registration or <sup>Idem</sup> recording in such jurisdiction, for perfection of a security interest of the kind referred to in subsection 1 or 2, the security interest may be perfected by registration in Ontario.

**6.—**(1) Where personal property, other than that governed by subsection 1 or 2 of section 5, was already subject to a security interest when it was brought into Ontario, the validity of the security interest in Ontario is to be determined by the law, including the conflict of laws rules, of the jurisdiction where the property was when the security interest attached. <sup>Conflict of laws, continued</sup>

(2) Where goods brought into Ontario are subject to the seller's right to revendicate or to resume possession of the goods, unless the seller registers a caution (Form 1) within twenty days after the day on which the goods were brought into Ontario, such right is unenforceable in Ontario thereafter. <sup>Right of revendication</sup>

**7.—**(1) A security interest in collateral already perfected under the law of the jurisdiction in which the collateral was when the security interest attached and before being brought into Ontario continues perfected in Ontario for four months and also thereafter if within the four-month period it is perfected in Ontario. <sup>Conflict of laws, continued</sup>

(2) Notwithstanding subsection 1, where the secured party <sup>Idem</sup> receives notice within the four-month period mentioned therein that the collateral has been brought into Ontario, his security interest in the collateral ceases to be perfected in Ontario unless he registers the security agreement covering the collateral within fifteen days from the date that he receives such notice or upon the expiration of the four-month period, whichever is earlier.

(3) A security interest that has ceased to be perfected in <sup>Idem</sup> Ontario due to the expiration of the four-month period may thereafter be perfected in Ontario, but such perfection takes effect from the time of its perfection in Ontario.

Conflict  
of laws,  
concluded

**8.** Where a security interest was not perfected under the law of the jurisdiction in which the property was when the security interest attached and before being brought into Ontario, it may be perfected in Ontario within fifteen days from the date the property is brought into Ontario, in which case perfection dates from the time of perfection in Ontario.

## PART II

### VALIDITY OF SECURITY AGREEMENTS AND RIGHTS OF PARTIES

Effectiveness  
of security  
agreement

**9.** Except as otherwise provided by this or any other Act, a security agreement is effective according to its terms between the parties to it and against third parties.

Enforce-  
ability of  
security  
interest

**10.** A security interest is not enforceable by or against a third party unless,

- (a) the collateral is in the possession of the secured party; or
- (b) the debtor has signed a security agreement that contains a description of the collateral and, if the collateral is or includes fixtures or crops, or oil, gas or other minerals to be extracted, or timber to be cut, a description of the land concerned.

Delivery of  
copy of  
agreement

**11.** Where a security interest is created or provided for by a security agreement, the secured party shall deliver a copy of the security agreement to the debtor within ten days after the execution thereof, and, if he fails to do so after a request by the debtor, a judge may on summary application by the debtor make an order for the delivery of such a copy to the debtor and may make such order as to costs as he deems just.

When  
security  
interest  
attaches

**12.—(1)** A security interest attaches when,

- (a) the parties intend it to attach;
- (b) value is given; and
- (c) the debtor has rights in the collateral.

Idem

(2) For the purpose of subsection 1, the debtor has no rights in,

- (a) crops until they become growing crops;
- (b) fish until they are caught;



(c) oil, gas or other minerals until they are extracted; or

(d) timber until it is cut.

**13.**—(1) Except as provided in subsection 2, a security agreement may cover the young of animals after conception and after-acquired property. After-acquired property, etc.

(2) No security interest attaches under an after-acquired property clause, Exception

(a) to crops that become such more than one year after the security agreement has been executed, except that a security interest in crops that is given in conjunction with a lease, purchase or mortgage of land may, if so agreed, attach to crops to be grown on the land concerned during the term of such lease, purchase or mortgage; or

(b) to consumer goods, other than accessions, unless the debtor acquires rights in them within ten days after the secured party gives value.

**14.** A purchase-money security interest in consumer goods does not attach to any collateral other than such consumer goods. Limitation on coverage

**15.** Where a security agreement creates or provides for a purchase-money security interest in other than consumer goods and includes collateral in addition thereto, it shall be accompanied by an affidavit of the debtor (Form 2) stating, Where affidavit required

(a) that the debtor is fully aware of the nature of the transaction and that he knows that the security interest extends to personal property in addition to that included in the purchase-money security interest; and

(b) that the security interest was not created in fraud of creditors.

**16.** A security agreement may secure future advances or other value whether or not the advances or other value are given pursuant to commitment. Future advances

**17.** Except as to consumer goods, an agreement by a debtor not to assert against an assignee any claim or defence that he has against his seller or lessor is enforceable by the assignee who takes the assignment for value, in good faith and without notice, except as to such defences as may be asserted against the holder in due course of a negotiable instrument under the *Bills of Exchange Act* (Canada). Agreement not to assert defence against assignee

R.S.C. 1952,  
c. 15

Seller's  
warranties

**18.** Where a seller retains a purchase-money security interest in goods,

R.S.O. 1960,  
c. 358

- (a) *The Sale of Goods Act* governs the sale and any disclaimer, limitation or modification of the seller's conditions and warranties; and
- (b) except as provided in section 17, the conditions and warranties in a sale agreement shall not be affected by any security agreement.

Provision to  
accelerate

**19.** Where a security agreement provides that the secured party may accelerate payment or performance when he deems himself insecure, such provision shall be construed to mean that he has power to do so only if he in good faith believes that the prospect of payment or performance is impaired.

Care of  
collateral

**20.—(1)** A secured party shall use reasonable care in the custody and preservation of collateral in his possession, and, unless otherwise agreed, in the case of an instrument or chattel paper, reasonable care includes taking necessary steps to preserve rights against prior parties.

Idem,  
rights and  
duties of  
secured  
party

**(2)** Unless otherwise agreed, where collateral is in the secured party's possession,

- (a) reasonable expenses, including the cost of insurance and payment of taxes or other charges incurred in the custody and preservation of the collateral, are chargeable to the debtor and are secured by the collateral;
- (b) the risk of loss or damage, except where caused by the negligence of the secured party, is on the debtor to the extent of any deficiency in any insurance coverage;
- (c) the secured party may hold as additional security any increase or profits, except money, received from the collateral, and money so received, unless remitted to the debtor, shall be applied forthwith upon its receipt in reduction of the secured obligation;
- (d) the secured party shall keep the collateral identifiable, but fungible collateral may be commingled; and
- (e) the secured party may create a security interest in the collateral upon terms that do not impair the debtor's right to redeem it.



(3) A secured party is liable for any loss or damage caused by his failure to meet any obligations imposed by subsection 1 or 2, but does not lose his security interest. Liability  
for loss

(4) A secured party may use the collateral, Use of  
collateral

(a) in the manner and to the extent provided in the security agreement;

(b) for the purpose of preserving the collateral or its value; or

(c) pursuant to an order of,

(i) the court before which a question relating thereto is being heard, or

(ii) a judge upon application by originating notice to all persons concerned.

(5) A secured party, Idem

(a) is liable for any loss or damage caused by his use of the collateral otherwise than as authorized by subsection 4; and

(b) is subject to being ordered or restrained as provided in subsection 1 of section 63.

**21.—**(1) A debtor or a person having an interest in the collateral or an execution creditor may, by a notice in writing, require the secured party to furnish him with a statement in writing, Statements  
of account

(a) of the amount of the indebtedness and of the terms of payment thereof as of the date specified in the notice;

(b) approving or correcting as of the date specified in the notice a statement of the collateral attached to the notice; and

(c) approving or correcting as of the date specified in the notice a statement of the amount of the indebtedness and of the terms of payment thereof,

or any one or two of them.

(2) In the case of clause *b* of subsection 1, if the secured party claims a security interest in all of a particular type of collateral owned by the debtor, he may so indicate in lieu of Idem

approving or correcting the itemized list of such collateral contained in the statement of the collateral and attached to the notice.

Time for  
compliance  
with notice;  
liability  
for failure  
to answer

(3) The secured party shall answer a notice given under subsection 1 within fifteen days after he receives it, and, if without reasonable excuse he fails so to do or his answer is incomplete or incorrect, he is liable for any loss or damage caused thereby to the debtor or any other person.

Successors  
in interest

(4) Where the person receiving a notice under subsection 1 no longer has an interest in the obligation or collateral, he shall, within fifteen days after he receives the notice, disclose the name and address of the latest successor in interest known to him, and, if without reasonable excuse he fails so to do or his answer is incomplete or incorrect, he is liable for any loss or damage caused thereby to the debtor or any other person.

Idem

(5) A successor in interest shall be deemed to be the secured party for the purposes of this section when he receives a notice under subsection 1.

### PART III

#### PERFECTION OF INTEREST

Time when  
perfected

**22.** A security interest is perfected when,

(a) it has attached; and

(b) all steps required for perfection under any provision of this Act have been completed,

regardless of the order of occurrence.

Where  
unperfected  
security  
interest  
subordinate

**23.—**(1) Except as provided in subsection 3, an unperfected security interest is subordinate to,

(a) the interest of a person,

(i) who is entitled to a priority under this or any other Act, or

(ii) who, without knowledge of the security interest and before it is perfected, assumes control of the collateral through legal process, or

(iii) who represents the creditors of the debtor as assignee for the benefit of creditors, trustee in bankruptcy or receiver; and

(b) the interest of a transferee who is not a secured party to the extent that he gives value without knowledge of the security interest and before it is perfected,

(i) of chattel paper, documents of title, securities, instruments or goods in bulk or otherwise, not in the ordinary course of the business of the transferor and where the transferee receives delivery of the collateral, or

(ii) of intangibles.

(2) The rights of a person under subclause iii of clause *a* <sup>Idem</sup> of subsection 1 in respect of the collateral are referable to the date from which his status has effect and arise without regard to the personal knowledge of the representative if any represented creditor was, on the relevant date, without knowledge of the unperfected security interest.

(3) A purchase-money security interest that is registered <sup>Purchase-money security interest</sup> before or within ten days after the debtor's possession of the collateral commences has priority over,

(a) interest set out in subclause ii or iii of clause *a* of subsection 1; and

(b) transfers in bulk or otherwise, not in the ordinary course of business, occurring between the security interest's attaching and its being registered.

**24.**—(1) If a security interest is originally perfected in <sup>Continuity of perfection</sup> any way permitted under this Act and is again perfected in some way under this Act without an intermediate period when it was unperfected, the security interest shall be deemed to be perfected continuously for the purposes of this Act.

(2) An assignee of a security interest succeeds in so far as <sup>Assignees</sup> its perfection is concerned to the position of the assignor at the time of the assignment.

**25.** Except as provided in section 27, possession of the <sup>Perfection by possession</sup> collateral by the secured party, or on his behalf by a person other than the debtor or the debtor's agent, perfects a security interest in,

(a) chattel paper;

(b) goods;

(c) instruments;

- (d) securities;
- (e) letters of credit and advices of credit; or
- (f) negotiable documents of title,

but, subject to section 24, only during its actual holding as collateral.

Perfection  
by regis-  
tration

**26.**—(1) Subject to section 22, registration perfects a security interest in,

- (a) chattel paper;
- (b) goods;
- (c) intangibles; or
- (d) documents of title.

Idem

(2) A security interest is not perfected until it is registered, except in the case of a security interest,

- (a) in collateral in possession of the secured party under section 25; or
- (b) temporarily perfected in instruments, securities or negotiable documents of title under section 27.

Temporary  
perfection

**27.**—(1) A security interest in instruments, securities or negotiable documents of title is a perfected security interest for the first ten days after it attaches to the extent that it arises for new value given under a registered security agreement.

Idem

(2) A perfected security interest in,

- (a) an instrument that a secured party delivers to the debtor for the purpose of,
  - (i) ultimate sale or exchange,
  - (ii) presentation, collection or renewal, or
  - (iii) registration of transfer; or
- (b) a negotiable document of title or goods held by a bailee that are not covered by a negotiable document of title, which document of title or goods the secured party makes available to the debtor for the purpose of,



- (i) ultimate sale or exchange,
- (ii) loading, unloading, storing, shipping or trans-  
shipping, or
- (iii) manufacturing, processing, packaging or  
otherwise dealing with goods in a manner  
preliminary to their sale or exchange,

remains perfected for the first ten days after the collateral comes under the control of the debtor.

(3) Beyond the period of ten days referred to in subsection 1 <sup>Idem</sup> or 2, a security interest under this section becomes subject to the provisions of this Act for perfecting a security interest.

**28.**—(1) Subject to this Act, a security interest in collateral that is dealt with so as to give rise to proceeds, <sup>Perfecting as to proceeds</sup>

(a) continues as to the collateral, unless the secured party expressly or impliedly authorized such dealing; and

(b) extends to the proceeds.

(2) Where a security interest in collateral was a perfected <sup>Idem</sup> security interest at the time of the dealing,

(a) the security interest under clause *a* of subsection 1 is perfected in so far as sections 24, 25 and 26 are satisfied; and

(b) the security interest under clause *b* of subsection 1 becomes unperfected ten days thereafter unless expressly covered by a security agreement relating to the original collateral that was at the time of dealing perfected by registration, but there is no perfected security interest in proceeds that are not identifiable or traceable.

**29.**—(1) A security interest in goods in the possession of a bailee who has issued a negotiable document of title covering them is perfected by perfecting a security interest in the document, and any security interest in them otherwise perfected while they are so covered is subject thereto. <sup>Perfecting as to goods held by bailee</sup>

(2) A security interest in goods in the possession of a bailee, <sup>Idem</sup> other than a bailee mentioned in subsection 1, is perfected by,

(a) issuance of a document of title in the name of the secured party;



- (b) a holding on behalf of the secured party pursuant to section 25; or
- (c) registration as to the goods.

Goods  
returned or  
repossessed

**30.**—(1) A security interest in goods that are the subject of a sale or exchange and that are returned to, or repossessed by,

- (a) the person who sold or exchanged them; or
- (b) a transferee of an intangible or chattel paper resulting from the sale of them,

re-attaches to the extent that the secured indebtedness remains unpaid.

Idem

(2) Where the security interest was perfected by a registration that is still effective at the time of the sale or exchange, it re-attaches as a perfected interest, but otherwise requires for its perfection a registration or a taking of possession by the secured party.

Transferees

- (3) A transferee of,
  - (a) an intangible resulting from a sale; or
  - (b) except as otherwise provided in section 31, chattel paper resulting from a sale,

has, as against the transferor, a security interest that is,

- (c) subordinate to a security interest under subsection 1 that was a perfected interest when the goods became the subject of the sale or exchange; and
- (d) otherwise subject to section 36.

Idem

(4) A transferee of an intangible or chattel paper resulting from a sale is, with respect to persons asserting interests in the goods under provisions other than subsections 1 to 3, subject to the provisions of this Act for perfecting a security interest.

Effect of  
perfection  
on pur-  
chasers of  
goods in  
ordinary  
course of  
business

**31.**—(1) A purchaser of goods from a seller who sells the goods in the ordinary course of business takes them free from any security interest therein given by his seller even though it is perfected and the purchaser actually knows of it.

Idem,  
purchasers  
of chattel  
paper

(2) A purchaser of chattel paper who takes possession of it in the ordinary course of his business has, to the extent that he gives new value, priority over any other security interest in it,

(a) that was perfected under section 26 if he did not actually know at the time he took possession that the chattel paper was subject to a security interest; or

(b) that has attached to proceeds of inventory under section 28, whatever the extent of his knowledge.

(3) A purchaser of a non-negotiable instrument who takes possession of it in the ordinary course of his business has priority to the extent that he gives new value over a security interest in it that was perfected under section 27 if he did not actually know at the time he took possession that the instrument was subject to a security interest.

Idem,  
purchasers  
of non-  
negotiable  
instruments

**32.—(1)** The rights of,

(a) a holder in due course of a bill, note or cheque within the meaning of the *Bills of Exchange Act* (Canada);

*Bona fide  
purchasers  
of negotiable  
instruments,  
etc.*  
R.S.C. 1952,  
c. 15

(b) a holder of a negotiable document of title who takes it in good faith for value; or

(c) a *bona fide* purchaser of securities,

are to be determined without regard to this Act.

(2) Registration under this Act is not such notice as to affect the rights of persons mentioned in subsection 1.

Idem

**33.** Where a person in the ordinary course of business furnishes materials or services with respect to goods in his possession that are subject to a security interest, any lien that he has in respect of such materials or services has priority over a perfected security interest unless the lien is given by an Act that provides that the lien does not have such priority.

Priority  
of liens for  
materials  
and services

**34.** The rights of a debtor in collateral may be transferred voluntarily or involuntarily notwithstanding a provision in the security agreement prohibiting transfer or declaring a transfer to be a default, but no transfer prejudices the rights of the secured party under the security agreement or otherwise.

Alienation  
of rights  
of debtors

**35.—(1)** A perfected security interest in crops or their proceeds given for a consideration to enable the debtor to produce the crops during the production season and given not more than three months before the crops become growing crops by planting or otherwise has priority over an earlier

Special  
priorities,  
crops

perfected security interest to the extent that such earlier interest secures obligations due more than six months before the crops become growing crops by planting or otherwise, even though the person giving the consideration knew of the earlier security interest.

Idem,  
purchase-  
money  
security  
interests,  
inventory

(2) A purchase-money security interest in inventory or its proceeds has priority over any other security interest in the same collateral,

- (a) if the purchase-money security interest was perfected at the time the debtor received possession of the collateral; and
- (b) if any secured party, whose security interest was actually known to the holder of the purchase-money security interest or who, prior to the registration by the holder of the purchase-money security interest, had registered a security agreement covering the same items or type of inventory, had received notification of the purchase-money security interest before the debtor received possession of the collateral covered by the purchase-money security interest; and
- (c) if such notification states that the person giving the notice had or expected to acquire a purchase-money security interest in inventory of the debtor, describing such inventory by item or type.

Idem,  
purchase-  
money  
security  
interests,  
other than  
inventory

(3) A purchase-money security interest in collateral or its proceeds, other than inventory, has priority over any other security interest in the same collateral if the purchase-money security interest was perfected at the time the debtor obtained possession of the collateral or within ten days thereafter.

Priorities,  
general rule

**36.**—(1) If no other provision of this Act is applicable, priority between security interests in the same collateral shall be determined,

- (a) by the order of registration, if the security interests have been perfected by registration;
- (b) by the order of perfection, unless all security interests have been perfected by registration; or
- (c) by the order of attachment under subsection 1 of section 12, if no security interest has been perfected.

Idem

(2) For the purposes of subsection 1, a continuously perfected security interest shall be treated at all times as if perfected by registration, if it was originally so perfected, and



it shall be treated at all times as if perfected otherwise than by registration if it was originally perfected otherwise than by registration.

**37.—**(1) Subject to subsection 3 of this section and notwithstanding subsection 3 of section 35, a security interest that attached to goods before they became fixtures has priority as to the goods over the claim of any person who has an interest in the real property. <sup>Priority of security interests, fixtures</sup>

(2) Subject to subsection 3, a security interest that attached to goods after they became fixtures has priority over the claim of any person who subsequently acquired an interest in the real property, but not over any person who had a registered interest in the real property at the time the security interest attached to the goods and who has not consented in writing to the security interest or disclaimed an interest in the goods as fixtures. <sup>Idem</sup>

(3) The security interests referred to in subsections 1 and 2 are subordinate to the interest of, <sup>Exceptions</sup>

- (a) a subsequent purchaser or mortgagee for value of an interest in the real property;
- (b) a creditor with a lien on the real property subsequently obtained as a result of judicial process; or
- (c) a creditor with a prior encumbrance of record on the real property in respect of subsequent advances,

if the subsequent purchase or mortgage was made or the lien was obtained or the subsequent advance under the prior encumbrance was made or contracted for, as the case may be, without actual notice of the security interest.

(4) If a secured party, by virtue of subsection 1 or 2 and subsection 3, has priority over the claim of a person having an interest in the real property, he may on default, subject to the provisions of this Act respecting default, remove his collateral from the real property if, unless otherwise agreed, he reimburses any encumbrancer or owner of the real property who is not the debtor for the cost of repairing any physical injury excluding diminution in the value of the real property caused by the absence of the goods removed or by the necessity for replacement, but a person so entitled to reimbursement may refuse permission to remove until the secured party has given adequate security for any reimbursement arising under this subsection. <sup>Removal of collateral</sup>

**Retention of collateral**

(5) A person having an interest in real property that is subordinate to a security interest by virtue of subsection 1 or 2 and subsection 3 may, before the collateral has been removed from the real property by the secured party in accordance with subsection 4, retain the collateral upon payment to the secured party of the amount owing under the security interest having priority over his claim.

**Accessions**

**38.**—(1) Subject to subsection 2 and to section 39 and notwithstanding subsection 3 of section 35,

- (a) a security interest in an accession that attached before the goods became an accession has priority as to the accession over the claim of any person in respect of the whole; and
- (b) a security interest in goods that attached after the goods became an accession has priority over the claim of any person who subsequently acquired an interest in the whole, but not against a person who had an interest in the whole at the date of attachment of the security interest in the accession and who has not consented in writing to the security interest in the accession or disclaimed an interest in the accession as part of the whole.

**Exceptions**

(2) A security interest referred to in subsection 1 is subordinate to the interest of,

- (a) a subsequent purchaser for value of an interest in the whole; or
- (b) a creditor with a lien on the whole, subsequently obtained as a result of judicial process; or
- (c) a creditor with a prior perfected security interest in the whole to the extent that he makes subsequent advances,

if the subsequent purchase was made, the lien was obtained or the subsequent advance under the prior perfected security interest was made or contracted for without notice of the security interest.

**Removal of collateral**

(3) If a secured party, by virtue of subsections 1 and 2, has an interest in an accession that has priority over the claim of any person having an interest in the whole, he may, on default, subject to the provisions of this Act respecting default, remove his collateral from the whole if, unless otherwise agreed, he reimburses any encumbrancer or owner of the whole



who is not the debtor for the cost of repairing any physical injury excluding diminution in value of the whole caused by the absence of the goods removed or by the necessity for replacement, but a person so entitled to reimbursement may refuse permission to remove until the secured party has given adequate security for any reimbursement arising under this subsection.

(4) A person having a security interest in the whole that is subordinate to a security interest by virtue of subsections 1 and 2 may, before the collateral has been removed by the second party in accordance with subsection 3, retain the collateral upon payment to the second party of the amount owing under the security interest having priority over his claim. Retention of collateral

**39.** A perfected security interest in goods that subsequently become part of a product or mass continues in the product or mass if the goods are so manufactured, processed, assembled or commingled that their identity is lost in the product or mass, and, if more than one security interest attaches to the product or mass, the security interests rank equally according to the ratio that the cost of the goods to which each interest originally attached bears to the cost of the total product or mass. Commingled goods

**40.** A secured party may, in the security agreement or otherwise, subordinate his security interest to any other security interest. Priority subject to subordination

**41.—**(1) Unless an account debtor has made an enforceable agreement not to assert defences or claims arising out of a sale as provided by section 17, the rights of an assignee are subject to, Account debtors

(a) all the terms of the contract between the account debtor and the assignor and any defence or claim arising therefrom; and

(b) any other defence or claim of the account debtor against the assignor that accrued before the account debtor received notice of the assignment.

(2) The account debtor may pay the assignor until the account debtor receives notice, reasonably identifiable with the relevant rights, that the account has been assigned, and, if requested by the account debtor, the assignee shall furnish proof within a reasonable time that the assignment has been made, and, if he does not do so, the account debtor may pay the assignor. Idem

## PART IV

## REGISTRATION

Registrar,  
appoint-  
ment

**42.**—(1) There shall be a registrar of personal property security.

function

(2) It shall be the function of the registrar, under the direction of the Inspector of Legal Offices, to supervise the operation of the registration system established for the purposes of this Act.

seal of  
office

(3) The registrar shall have a seal of office in such form as the Lieutenant Governor in Council approves.

Registration  
system

**43.**—(1) A registration system shall be established for the purposes of this Act.

Central  
office

(2) The central office of the registration system shall be located at or near the City of Toronto.

Branch  
offices

(3) A branch office of the registration system shall be located at or near each county and district town and at such other places as are determined from time to time by the Inspector of Legal Offices.

Regulations

(4) The Lieutenant Governor in Council may make regulations respecting the registration system and registration procedures.

Signing  
officers

**44.** The registrar may designate one or more persons on the staff of the central office or a branch office as signing officers to complete the registration of documents and to authenticate certificates under this Act.

Registrar's  
certificate

**45.** Upon the request of any person and upon payment of the prescribed fee,

- (a) the registrar shall issue a certificate stating whether there is registered at the time mentioned in the certificate a security agreement or other document in which the person named in the certificate is shown as a debtor and, if there is, the registration number of it, and any other information recorded in the office of the registrar;
- (b) any registered security agreement or other document shall be provided for inspection at the branch office where it was registered; and
- (c) a certified copy of any security agreement or other document shall be furnished at the branch office where it was registered.

46.—(1) There shall be an account in the Consolidated Revenue Fund to be known as “The Personal Property Security Assurance Fund”, referred to in this section as “the Fund”, into which shall be paid such portion of the fees received under this Act as may be determined from time to time by the Lieutenant Governor in Council. <sup>Assurance Fund</sup>

(2) Interest shall be credited to the Fund out of the Consolidated Revenue Fund at a rate to be determined from time to time by the Lieutenant Governor in Council, and such interest shall be made up at the close of each fiscal year upon the balance in the Fund at the end of the previous calendar year. <sup>Interest</sup>

(3) Any person who suffers loss or damage as a result of his reliance upon a certificate of the registrar issued under this Part that is incorrect because of an error or omission in the operation of the system of registration, recording, and production of information under this Part, is entitled to have compensation paid to him out of the Fund so far as the Fund is sufficient for that purpose, having regard to any other charges thereon, if he makes a claim therefor under subsection 4 within one year from the time of his having suffered the loss or damage. <sup>Persons suffering damage to be compensated</sup>

(4) A person claiming to be entitled to payment of compensation out of the Fund shall make application therefor in writing to the registrar, setting out therein his full name and address and the particulars of his claim. <sup>Claim for compensation</sup>

(5) The registrar shall refer the application to the Master of the Supreme Court who shall issue such directions as he thinks proper, hold a hearing, determine the claimant's entitlement to compensation, the amount thereof, and, if awarded, the costs of the proceedings. <sup>Reference to Master</sup>

(6) The Master shall make his findings and embody his conclusions in the form of a certificate and send by registered mail one copy thereof to the claimant at the address shown in the application and one copy to the registrar. <sup>Master's certificate</sup>

(7) The certificate of the Master shall be deemed to be confirmed at the expiration of thirty days from the date of mailing it to the claimant, unless notice of appeal is served within that time. <sup>Confirmation of certificate</sup>

(8) The claimant or the registrar may appeal to the Court of Appeal at any time before the certificate of the Master is confirmed, and the procedure thereon shall be the same as upon an appeal from a report when a whole action has been referred under section 69 of *The Judicature Act*. <sup>Appeal</sup>

R.S.O. 1960,  
c. 197



Payment  
out of  
Fund

(9) When the registrar receives a certificate of the Master under subsection 6 and the time for any appeal has expired or, where an appeal is taken, it is disposed of, and it is finally determined that the claimant is entitled to payment of compensation out of the Fund, the registrar shall certify to the Treasurer of Ontario the sum found to be payable, including any costs awarded to the claimant, and the Treasurer shall pay such sum to the claimant out of the Fund.

Where  
documents  
to be  
registered,  
effective  
time of  
registration

**47.** Documents to be registered under this Act shall be tendered for registration at any branch office established under subsection 2 of section 43, but registration is effective only from the time of the recording thereof in the central office and the assignment thereto of an appropriate registration number.

What is  
to be  
registered

**48.—(1)** In order to register under this Act for the purpose of perfecting a security interest, the security agreement or a copy thereof signed by the debtor shall, subject to subsection 2, be registered, and it shall contain and legibly set forth at least,

- (a) the full name and address of the debtor;
- (b) the full name and address of the secured party;
- (c) the date of execution of the security agreement;
- (d) a description of the collateral sufficient to identify it;
- (e) the terms and conditions of the security agreement; and
- (f) where appropriate, the affidavit provided for in section 15.

Exceptions

(2) Where the collateral was subject to a security interest in another jurisdiction at the time the collateral was brought into Ontario or where it is desired to perfect a security interest in the proceeds of collateral included in an already perfected security interest, the secured party may register a copy of the security agreement signed by the debtor or a caution (Form 1).

What  
constitutes  
registration

(3) Registration of a copy signed by the debtor or a caution under this section constitutes registration of the security agreement for the purposes of this Act.

Time  
limit on  
registration

(4) Where the collateral is other than instruments, securities, letters of credit, advices of credit or negotiable documents of title, the security agreement shall not be registered after fifteen days from the date of its execution.

Assignments

**49.—(1)** An assignment, or a copy thereof signed by the secured party of record, of a security agreement may also be

registered, if the security agreement has been registered under this Act previous to the registration of the assignment, if the assignment contains and legibly sets forth at least,

- (a) the full name and address of the debtor;
- (b) the full name and address of the secured party of record;
- (c) the full name and address of the assignee; and
- (d) the registration number given at the time of the registration of the security agreement or, if the assignment is presented for registration at the same time as the security agreement, the registration number of the security agreement that is then endorsed thereon.

(2) Upon the registration of an assignment or a copy thereof under subsection 1, the assignee becomes the secured party of record. <sup>Idem</sup>

**50.**—(1) Where a security interest has been perfected by registration and the debtor with the consent of the secured party assigns his interest in the collateral, the assignee becomes a debtor and the security interest becomes unperfected unless the secured party registers a notice (Form 3) within fifteen days of the time he consents to the assignment. <sup>Assignment of collateral</sup>

(2) Where a security interest has been perfected by registration and the secured party learns that the debtor has assigned his interest in the collateral, the security interest becomes unperfected fifteen days after the secured party learns of the assignment and the name and address of the assignee, unless he registers a notice (Form 3) within such fifteen days. <sup>Where security interest becomes unperfected</sup>

(3) A security interest that becomes unperfected under subsection 1 or 2 may thereafter be perfected by registering a notice (Form 3) or as otherwise provided by this Act. <sup>Second registration</sup>

**51.** An amendment, or a copy thereof, of a security agreement registered under this Act that refers to the registration number of the security agreement that it amends and that is signed by the secured party of record and by the debtor may be registered at any time during the period that the registration of the security agreement is effective. <sup>Amendments</sup>

**52.** A separate agreement signed by the secured party of record that provides for the subordination of a security interest created or provided for by a security agreement registered under this Act and that refers to the registration number of the security agreement may be registered at any time during the period that the registration of the security agreement is effective. <sup>Subordination</sup>



Renewal  
statements

**53.** A renewal statement (Form 4) that is signed by the secured party of record may be registered at any time.

Effective  
registration

**54.**—(1) Where the collateral covered by a security agreement is other than instruments, securities, letters of credit, advices of credit or negotiable documents of title, registration under this Act,

- (a) of a security agreement constitutes notice thereof to all persons claiming any interest in such collateral during the period of three years following such registration;
- (b) of a renewal statement constitutes notice of the security agreement to which it relates to all persons claiming any interest in such collateral during the period of three years following such registration; and
- (c) of any other document constitutes notice thereof to all persons claiming any interest in such collateral during the remainder of the period for which the registration of the security agreement is effective.

Fixtures

(2) Where the collateral is or includes fixtures or goods that may become fixtures, or crops, or oil, gas or other minerals to be extracted, or timber to be cut, the security agreement or any other document that may be registered under this Act containing a description of the land affected sufficient for registration under *The Land Titles Act* or *The Registry Act*, as the case may be, may, whether or not it is registered under this Act, be registered under *The Land Titles Act* or *The Registry Act*.

R.S.O. 1960,  
cc. 204, 348

Discharge of  
security  
agreement

**55.**—(1) Upon performance of all obligations under a security agreement, it shall be discharged, and, upon written demand delivered either personally or by registered mail during the period that the registration of the security agreement is effective by any person having an interest in the collateral to the secured party, the secured party shall sign and deliver personally or by registered mail to the person demanding it, at the place set out in the demand, a certificate of discharge (Form 5) together with unregistered assignments, if any, of the security agreement.

Release of  
part of  
collateral

(2) Where it is agreed to release part of the collateral upon payment or performance of certain of the obligations under a security agreement, then, upon performance of such obligations and upon written demand delivered either personally or by registered mail during the period that the registration of the security agreement is effective by any person having

an interest in the collateral to the secured party, the secured party shall sign and deliver personally or by registered mail to the person demanding it, at the place set out in the demand, a release (Form 6) of the collateral as agreed.

(3) Where the secured party, without reasonable excuse, <sup>Failure to deliver</sup> fails to deliver the required discharge and assignments or release, as the case may be, within ten days after receipt of a demand therefor under subsection 1 or 2, he shall pay \$100 to the person making the demand and any damages resulting from the failure, which sum and damages are recoverable in any court of competent jurisdiction.

(4) Upon application to the county or district court by <sup>Security or payment into court</sup> originating notice to all persons concerned, the judge may,

(a) allow security for or payment into court of the amount claimed by the secured party and such costs as he may fix, and thereupon order that the registration of the security agreement be discharged or that a release of collateral be registered, as the case may be; or

(b) order upon any ground he deems proper that the registration of the security agreement be discharged or that a release of collateral be registered, as the case may be.

(5) Any discharge of a security agreement and any release <sup>Registration of discharges and releases</sup> of collateral may be registered under this Act.

## PART V

### DEFAULT—RIGHTS AND REMEDIES

**56.**—(1) The rights and remedies referred to in this Part <sup>Rights and remedies cumulative</sup> are cumulative.

(2) Where the debtor is in default under a security agreement, the secured party has, in addition to any other rights and remedies, the rights and remedies provided in the security agreement except as limited by subsection 5, the rights and remedies provided in this Part and, when in possession, the rights, remedies and duties provided in section 20. <sup>Secured party's rights and remedies</sup>

(3) The secured party may enforce the security interest by <sup>Secured party's remedies</sup> any method available in or permitted by law and, if the collateral is or includes documents of title, the secured party may proceed either as to the documents of title or as to the

goods covered thereby, and any method of enforcement that is available with respect to the documents of title is also available, *mutatis mutandis*, with respect to the goods covered thereby.

Debtor's  
rights and  
remedies

(4) Where the debtor is in default under a security agreement, he has, in addition to the rights and remedies provided in the security agreement and any other rights and remedies, the rights and remedies provided in this Part and in section 20.

Waiver and  
variation  
of rights  
and duties

(5) Except as provided in sections 61 and 62, the provisions of subsections 3, 4 and 5 of section 59 and of sections 60, 61, 62 and 63, to the extent that they give rights to the debtor and impose duties upon the secured party, shall not be waived or varied, but the parties may by agreement determine the standards by which the rights of the debtor and the duties of the secured party are to be measured, so long as such standards are not manifestly unreasonable having regard to the nature of such rights and duties.

Where  
agreement  
covers both  
real and  
personal  
property

(6) Where a security agreement covers both real and personal property, the secured party may proceed under this Part as to the personal property or he may proceed as to both the real and the personal property in accordance with his rights and remedies in respect of the real property, in which case this Part does not apply.

No merger  
in judgment

(7) A security interest does not merge merely because a secured party has reduced his claim to judgment.

Collection  
rights of  
secured  
party

**57.**—(1) Where so agreed and in any event upon default under a security agreement, a secured party is entitled,

(a) to notify any account debtor or any obligor on an instrument to make payment to him whether or not the assignor was theretofore making collections on the collateral; and

(b) to take control of any proceeds to which he is entitled under section 28.

Idem

(2) A secured party who by agreement is entitled to charge back uncollected collateral or otherwise to full or limited recourse against the debtor and who undertakes to collect from the account debtors or obligors on instruments shall proceed in a commercially reasonable manner and may deduct his reasonable expenses of realization from the collections.

Secured  
party's  
right to  
take posses-  
sion upon  
default

**58.** Upon default under a security agreement,

(a) the secured party has, unless otherwise agreed, the right to take possession of the collateral by any method permitted by law;



- (b) if the collateral is equipment and the security interest has been perfected by registration, the secured party may, in a reasonable manner, render such equipment unusable without removal thereof from the debtor's premises, and the secured party shall thereupon be deemed to have taken possession of such equipment; and
- (c) the secured party may dispose of collateral under section 59 on the debtor's premises.

**59.**—(1) Upon default under a security agreement, the secured party may dispose of any of the collateral in its condition either before or after any commercially reasonable repair, processing or preparation for disposition, and the proceeds of the disposition shall be applied consecutively to, Secured party's right to dispose of collateral upon default

- (a) the reasonable expenses of retaking, holding, repairing, processing, preparing for disposition and disposing of the collateral and, to the extent provided for in the security agreement and not prohibited by law, any other reasonable expenses incurred by the secured party;
- (b) the satisfaction of the obligation secured by the security interest of the party making the disposition; and
- (c) the satisfaction of any obligation secured by the subordinate security interest in the collateral if written demand therefor is received by the party making the disposition before the distribution of the proceeds is completed.

(2) Where a written demand under clause c of subsection 1 is received by the secured party, he may request the holder of the subordinate security interest to furnish him with reasonable proof of such holder's interest, and, unless such holder furnishes such proof within a reasonable time, the secured party need not comply with such demand. Request for proof of interest

(3) Collateral may be disposed of in whole or in part, and any such disposition may be by public sale, private sale, lease or otherwise and, subject to subsection 5, may be made at any time and place and on any terms so long as every aspect of the disposition is commercially reasonable. Methods of disposition

(4) The secured party may, subject to subsection 1 of section 61, retain the collateral in whole or in part for such period of time as is commercially reasonable. Secured party's right to delay disposition of collateral

Secured  
party to  
give  
notice of  
disposition  
of collateral

(5) Unless the collateral is perishable or unless the secured party believes on reasonable grounds that the collateral will decline speedily in value, the secured party shall give to the debtor and to any other person who has a security interest in the collateral and who has registered a security agreement under this Act indexed in the name of the debtor or who is known by the secured party to have a security interest in the collateral not less than fifteen days notice in writing containing,

- (a) a brief description of the collateral;
- (b) the amount required to satisfy the obligation secured by his security interest;
- (c) the amount of the applicable expenses referred to in clause *a* of subsection 1 or, in a case where the amount of such expenses has not been determined, his reasonable estimate thereof;
- (d) a statement that upon payment of the amounts due the debtor may redeem the collateral;
- (e) a statement that unless the amounts due are paid the collateral will be disposed of and the debtor may be liable for any deficiency; and
- (f) the date, time and place of any public sale or of the date after which any private disposition of the collateral is to be made.

Service of  
notice

(6) The notice required by subsection 5 shall be served personally upon or left at the residence or last known place of abode of the party to be served or may be sent by registered mail to his last known post office address.

Secured  
party's  
right to  
purchase  
collateral

(7) The secured party may purchase the collateral or any part thereof only at a public sale.

Effect of  
disposition  
of collateral

(8) Where collateral is disposed of in accordance with this section, the disposition discharges the security interest of the secured party making the disposition and, if such disposition is made to a *bona fide* purchaser for value, discharges also any subordinate security interest and terminates the debtor's interest in the collateral.

Idem

(9) Where collateral is disposed of by a secured party after default otherwise than in accordance with this section, then,



(a) in the case of a public sale, if the purchaser has no knowledge of any defect in the sale and if he does not purchase in collusion with the secured party, other bidders or the person conducting the sale; or

(b) in any other case, if the purchaser acts in good faith,

the disposition discharges the security interest of the secured party making the disposition and, where the disposition is made to a purchaser for value, discharges also any subordinate security interest and terminates the debtor's interest in the collateral.

(10) A person who is liable to a secured party under a guarantee, endorsement, covenant, repurchase agreement or the like and who receives a transfer of collateral from the secured party or is subrogated to his rights has thereafter the rights and duties of the secured party, and such a transfer of collateral is not a disposition of the collateral. Certain transfers of collateral

**60.** Where a security agreement secures an indebtedness and the secured party has dealt with the collateral under section 57 or has disposed of it in accordance with section 59 or otherwise, he shall account for any surplus to any person, other than the debtor, whom the secured party knows to be the owner of the collateral, and, in the absence of such knowledge, he shall account to the debtor for any surplus. Surplus

**61.—**(1) Where the security agreement secures an indebtedness and the collateral is consumer goods and the debtor has paid at least 60 per cent of the indebtedness secured and has not signed, after default, a statement renouncing or modifying his rights under this Part, the secured party who has taken possession of the collateral shall, within ninety days after taking possession, dispose of or contract to dispose of the collateral under section 59, and, if he fails to do so, the debtor may proceed under section 63 or in an action for damages or loss sustained. Compulsory disposition of collateral, consumer goods

(2) In any case other than that mentioned in subsection 1, a secured party in possession of the collateral may, after default, propose to retain the collateral in satisfaction of the obligation secured, and notification of such proposal shall be given to the debtor and to any other person whom such secured party knows to be the owner of the collateral and, except in the case of consumer goods, to any other person who has a security interest in the collateral and who has registered a security agreement under this Act indexed in the name of the debtor or who is known by the secured party in possession to have a security interest in the collateral. Retention of collateral

Idem

(3) If any person entitled to notification under subsection 2 objects in writing within fifteen days after being notified, the secured party in possession shall dispose of the collateral under section 59, and, in the absence of any such objection, such secured party shall, at the expiration of such period of fifteen days, be deemed to have irrevocably elected to retain the collateral in satisfaction of the obligation secured, and thereafter is entitled to hold or dispose of the collateral free of all rights and interests therein of any person entitled to notification under subsection 2 who was given such notification.

Redemption of collateral

**62.** At any time before the secured party has disposed of the collateral by sale or exchange or contracted for such disposition under section 59 or before the secured party shall be deemed to have irrevocably elected to retain the collateral in satisfaction of the obligation under subsection 2 of section 61, the debtor, or any person other than the debtor who is the owner of the collateral, or any secured party other than the secured party in possession, may, unless he has otherwise agreed in writing after default, redeem the collateral by tendering fulfilment of all obligations secured by the collateral together with a sum equal to the reasonable expenses of retaking, holding, repairing, processing, preparing the collateral for disposition and in arranging for its disposition, and, to the extent provided for in the security agreement and not prohibited by law, the reasonable expenses incurred by the secured party.

Remedies for failure of secured party to comply with this Part

**63.—**(1) Where a secured party in possession of collateral is not complying with any of the obligations imposed by section 20 or, after default, is not proceeding in accordance with this Part or the account is disputed, the debtor or any person who is the owner of the collateral or the creditors of either of them or any person other than such secured party who has an interest in the collateral may apply to the Supreme Court or to a county or district court having jurisdiction with respect thereto, and the court may, upon hearing any such application, direct that the secured party comply with the obligations imposed by section 20, or that the collateral be or be not disposed of, or order an account to be taken or make such other or further order as the court deems just.

Idem

(2) If the disposition of the collateral has been made otherwise than in accordance with this Part,

- (a) the debtor or any other person entitled to notice under subsection 5 of section 59 or whose security interest has been made known to the secured party

prior to the disposition has a right to recover from the secured party any loss or damage caused by his failure to comply with this Part; and

- (b) where the collateral is consumer goods, the debtor has a right to recover in any event an amount not less than the credit service charge plus 10 per cent of the principal amount of the debt or the time price differential plus 10 per cent of the cash price.

(3) Where an application under subsection 1 is made to a county or district court, a respondent may, by notice served on the applicant and on the other respondents, if any, and filed with proof of service thereof with the clerk of the county or district court not later than the two days preceding the day of the return of the application, require the proceedings to be removed into the Supreme Court. Removal of proceedings into Supreme Court

(4) Upon the filing of the notice and proof of service thereof, the clerk of the county or district court shall forthwith transmit the papers and proceedings to the proper office of the Supreme Court in the county or district in which the application is made. Transmission of proceedings

(5) When the papers and proceedings are received at the proper office of the Supreme Court, the proceedings are *ipso facto* removed into the Supreme Court. Removal of proceedings

(6) Where an application under subsection 1 is made to or is removed into the Supreme Court, the court may refer any question to a master or other officer for inquiry and report. Reference to master

(7) An appeal lies to the Court of Appeal from any order made under this section. Appeal

## PART VI

### MISCELLANEOUS

**64.** Where in this Act any time is prescribed within which or before which any act or thing must be done, a judge on application may, upon such terms and conditions and with such notice, if any, as he may order, extend such time for compliance upon being satisfied that no interest of any other person will be prejudiced by such extension, but, in the event that it later appears that any such act or thing done within the period so extended has prejudiced the rights that any person acquired prior to the doing of such act or thing, such act or thing shall be presumed not to have been done in conformity with this Act, and the rights that such person acquired prior to the doing of such act or thing shall be determined on that basis. Extension of time



Transitional  
provision

**65.** This Act applies only where the security interest attaches on or after the day on which this Act came into force, and, except as provided in sections 66 and 67, where the security interest attached before this Act came into force, the security interest continues to have such force and effect as if this Act had not been passed.

Idem

**66.**—(1) Every security interest that was covered by an unexpired filing or registration when this Act came into force shall be registered under this Act by the registration of a notice as to the security interest signed by the officer with whom it is filed or registered with effect as of the date when this Act came into force.

Idem

R.S.O. 1960,  
cc. 24, 70

(2) The officer referred to in subsection 1 shall send a copy of such notice to every holder of record of a security interest that is registered under *The Assignment of Book Debts Act* or *The Corporation Securities Registration Act* together with a notice stating that the registration will expire three years after the day on which this Act came into force unless renewed under this Act.

Idem

(3) Registration of the notice shall continue the existing effect of the prior filing or registration as a perfection for its remaining life or for three years, whichever is the shorter.

Idem

**67.** A secured party having security interest that was covered by an unexpired filing or registration when this Act came into force may, if he thinks fit, register it thereafter as if it were a newly-attached security interest without prejudice to his position under subsection 1 of section 66.

Rules of  
practice

**68.** Unless otherwise provided in this Act or in the regulations made under this Act, the Rules of Practice and Procedure of the Supreme Court apply to proceedings under this Act.

References

R.S.O. 1960,  
cc. 24, 34,  
61, 70

**69.** Any general or special Act or any provision thereof that relates to a security interest, including *The Assignment of Book Debts Act*, *The Bills of Sale and Chattel Mortgages Act*, *The Conditional Sales Act* and *The Corporation Securities Registration Act*, shall be deemed to refer to this Act or to the corresponding provision of this Act, as the case may be.

Destruction  
of docu-  
ments

**70.** Where books, documents, cards or papers have been preserved for the purposes of this Act for so long that it appears they need not be preserved any longer, the Inspector of Legal Offices may authorize their destruction.

Certain  
provisions  
repealed  
1966, c. ...

**71.** Sections 14 and 15, clause *f* of subsection 1 of section 48 and Form 2 are repealed on the day that section 19 of *The Consumer Protection Act, 1966* comes into force.

**72.** The following are repealed:

Repeal:

- |   |                       |
|---|-----------------------|
| 1. <i>The Assignment of Book Debts Act.</i>                               | R.S.O. 1960,<br>c. 24 |
| 2. <i>The Bills of Sale and Chattel Mortgages Act.</i>                    | R.S.O. 1960,<br>c. 34 |
| 3. <i>The Bills of Sale and Chattel Mortgages Amendment Act, 1960-61.</i> | 1960-61,<br>c. 6      |
| 4. <i>The Conditional Sales Act.</i>                                      | R.S.O. 1960,<br>c. 61 |
| 5. <i>The Conditional Sales Amendment Act, 1962-63.</i>                   | 1962-63,<br>c. 18     |
| 6. <i>The Corporation Securities Registration Act.</i>                    | R.S.O. 1960,<br>c. 70 |

**73.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

**74.** This Act may be cited as *The Personal Property Security Act, 1966.* Short title



## FORM 1

(Sections 6 (2) and 48 (2) )

## CAUTION

Full Name of Original Debtor.....  
 Address of Original Debtor.....  
 Full Name of Secured Party.....  
 Address of Secured Party.....  
 Description of Collateral Sufficient to Identify It:

(If Caution is being registered to perfect a security interest in the proceeds of collateral included in an already perfected security interest, and the already perfected security interest was perfected by registration under this Act, insert:)

\*Assigned  
by the  
Registrar

\*Registration Number of Security Agreement.....  
 Date of Registration.....

(If the security agreement has been assigned, also insert:)

Full Name(s) of Assignee(s) (in order of the assignments).....  
 .....  
 Address(es) of Assignee(s).....  
 \*Registration Number(s) of the Assignment(s).....  
 Date(s) of Registration.....

(If the Debtor's interest in the collateral has been assigned, insert:)

Full Name(s)† of Assignee(s) (in order of the assignments)....  
 .....  
 Address(es)† of Assignee(s).....  
 \*Registration Number(s) of the Notice(s) of Assignment of  
 collateral.....  
 Date(s) of Registration.....

(If the security agreement has been amended, insert:)

\*Registration Number(s) of Amendment(s).....  
 Date(s) of Registration.....  
 Nature of Amendment(s).....

The undersigned certifies that:

the collateral described above has been brought into Ontario and was subject to a security interest in another jurisdiction, namely

....., at the time it was brought into Ontario.  
Registration detail in that jurisdiction:

OR..... it is desired to perfect a security interest in the collateral described above, being the proceeds of collateral included in an already perfected security interest. The security interest in the original collateral was perfected in the following manner: *(state manner of perfection, such as by registration, taking of possession, etc.)*

Dated at ..... this ..... day of ....., 19...

.....  
Signature of Secured Party of Record

† In the case of an assignment without the consent of the secured party but of which he learned, the name and address of the assignee as known to the secured party are sufficient.

FORM 2

(Section 15)

AFFIDAVIT OF DEBTOR

County (or District) of

To Wit:

}

I, ....., of the.....  
of....., in the.....of.....,  
....., make oath and say:

1. That I am the debtor referred to in the accompanying security agreement.

2. That I am fully aware of the nature of the transaction and that I know that the security interest extends to personal property in addition to that included in the purchase-money security interest.

3. That the security interest was not created in fraud of creditors.

Sworn before me at the.....  
of.....  
in the.....  
of.....  
this.....day of.....,  
19....

.....  
Signature of Debtor

A Commissioner, etc.

## FORM 3

(Section 50)

## NOTICE OF ASSIGNMENT OF COLLATERAL

Full Name of Original Debtor.....

Address of Original Debtor.....

\*Assigned  
by the  
Registrar

\*Registration Number of Security Agreement.....

Date of Registration.....

(If the Debtor's interest in the collateral has been assigned, insert:)

Full Name(s)† of Assignee(s) (in order of the assignments)....

Address(es)† of Assignee(s).....

\*Registration Number(s) of the Notice(s) of Assignment of  
collateral.....

Date(s) of Registration.....

(If the security agreement has been assigned, insert:)

Full Name(s)† of Assignee(s) (in order of the assignments).....

Address(es)† of Assignee(s).....

\*Registration Number(s) of the Assignment(s).....

Date(s) of Registration.....

The undersigned certifies that:

- (1) the Debtor under the security agreement referred to above intends to assign, with the consent of the undersigned, his interest in the collateral covered thereby to.....

or

- (1) the Debtor under the security agreement referred to above assigned his interest in the collateral covered thereby to.....  
.....of which assignment  
the undersigned learned on the.....(date).....;

- (2) the full name and address of the said.....  
referred to in (1) above are:  
full name.....  
address.....

Dated at.....this.....day of....., 19...

.....  
Signature of Secured Party of Record

† In the case of an assignment without the consent of the secured party but of which he learned, the name and address of the assignee as known to the secured party are sufficient.

## FORM 4

(Section 53)

## RENEWAL STATEMENT

Full Name of Original Debtor.....

Address of Original Debtor.....

\*Assigned  
by the  
Registrar

\*Registration Number of Security Agreement.....

Date of Registration.....

(If the security agreement has been assigned, insert:)

Full Name(s) of Assignee(s) (in order of the assignments).....

Address(es) of Assignee(s).....

\*Registration Number(s) of the Assignment(s).....

Date(s) of Registration.....

(If the security agreement has been amended, insert:)

\*Registration Number(s) of Amendment(s).....

Date(s) of Registration.....

Nature of Amendment(s).....

(If a Release of Collateral has been granted, insert:)

\*Registration Number(s) of Release(s) of Collateral.....

Date(s) of Registration.....

Description of Collateral Released Sufficient to Identify It:

(If prior renewal statements have been registered, insert:)

\*Registration Number(s) of Renewal Statement(s).....

Date(s) of Registration.....

(If the Debtor's interest in the collateral has been assigned, insert:)

Full Name(s)† of Assignee(s) (in order of the assignments)....

Address(es)† of Assignee(s).....

\*Registration Number(s) of the Notice(s) of Assignment of  
collateral.....

Date(s) of Registration.....



The undersigned certifies that:

- (1) the undersigned is the secured party of record in reference to the security agreement referred to above;
- (2) the debtor is still indebted under the security agreement; and
- (3) the registration hereof is not for any fraudulent purpose.

Dated at.....this.....day of....., 19...

.....  
Signature of Secured Party of Record

† In the case of an assignment without the consent of the secured party but of which he learned, the name and address of the assignee as known to the secured party are sufficient.

FORM 5

(Section 55 (1) )

CERTIFICATE OF DISCHARGE

Full Name of Original Debtor.....

Address of Original Debtor.....

\*Assigned  
by the  
Registrar

\*Registration Number of Security Agreement.....

Date of Registration.....

(If the security agreement has been assigned, insert:)

Full Name(s) of Assignee(s) (in order of the assignments).....

Address(es) of Assignee(s).....

\*Registration Number(s) of the Assignment(s).....

Date(s) of Registration.....

The undersigned certifies that:

- (1) he is the person entitled by law to discharge the security agreement; and
- (2) the security agreement referred to above is discharged.

Dated at.....this.....day of....., 19...

.....  
Signature of Secured Party of Record

## FORM 6

(Section 55 (2) )

## RELEASE OF COLLATERAL

Full Name of Original Debtor.....

Address of Original Debtor.....

\*Assigned  
by the  
Registrar

\*Registration Number of Security Agreement.....

Date of Registration.....

(If the security agreement has been assigned, insert:)

Full Name(s) of Assignee(s) (in order of the assignments).....

Address(es) of Assignee(s).....

\*Registration Number(s) of the Assignment(s).....

Date(s) of Registration.....

(If the Debtor's interest in the collateral has been assigned, insert:)

Full Name(s)† of Assignee(s) (in order of the assignments)....

Address(es)† of Assignee(s).....

\*Registration Number(s) of the Notice(s) of Assignment of  
collateral.....

Date(s) of Registration.....

The undersigned certifies that:

- (1) he is the person entitled by law to release the collateral described below;
- (2) the collateral described below is released from the security interest created or provided for by the security agreement referred to above.

(Here insert a description of the collateral sufficient to identify it:)

Dated at.....this.....day of....., 19...

.....  
Signature of Secured Party of Record

† In the case of an assignment without the consent of the secured party but of which he learned, the name and address of the assignee as known to the secured party are sufficient.

An Act to reform and make uniform the  
Law regarding Security Interests in  
Personal Property and Fixtures

---

*1st Reading*

June 27th, 1966

*2nd Reading*

*3rd Reading*

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MR. WISHART

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# **BILL 190**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **The Mechanics' Lien Act, 1966**

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**MR. WISHART**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**



## EXPLANATORY NOTES

GENERAL. The purpose of this Bill is to incorporate in the Act the amendments recommended by the Ontario Law Reform Commission in its Report to the Attorney General dated February 22, 1966, and to make other minor amendments designed to clarify the intent of the Act.

It is not intended that the Bill be passed at the present Session of the Legislature. It is introduced in order that it may be given general distribution throughout the Province in convenient form for study by all interested persons and organizations.

Comments and suggestions will be welcomed by the Attorney General before the next Session of the Legislature and should be addressed to him at the Parliament Buildings, Toronto.

In the following notes, "O.L.R.C. Rep." means the Report of the Ontario Law Reform Commission on Mechanics' Liens dated February 22, 1966. Copies of this Report can be obtained upon request to the Office of the Attorney General, Parliament Buildings, Toronto.

SECTION 1—Subsection 1. Clauses *a*, *c* and *j* are new. The other clauses have been amended. See O.L.R.C. Rep., pp. 18, 19.

Subsection 2. This is new.

SECTION 2. The exception is new. See O.L.R.C. Rep., p. 20.

SECTION 3—Subsection 1. The trust fund provisions of the Act are extended in favour of persons who have rented equipment to be used on the contract site. See also s. 5 (4).

Subsection 2. This subsection (formerly subsection 3) has been amended to complement the amendments made to subsection 1. See also O.L.R.C. Rep., p. 21.

Subsections 3 and 4. These provisions are new. They create a trust fund of advances under building mortgages, etc. See O.L.R.C. Rep., pp. 20, 21.

Subsection 5. This was formerly subsection 2. The amendments are designed to clarify the intent.

SECTION 4. The amendments in subsections 1 and 2 are designed to clarify the intent. See also O.L.R.C. Rep., p. 22. Subsection 3 is unchanged.

SECTION 5—Subsections 1, 2 and 3. The language is simplified in order to clarify the intent.

Subsection 4. This provision is new. It creates a lien in favour of persons who rent equipment for use on a contract site. See O.L.R.C. Rep., pp. 22, 23.

SECTION 6. The amendments are designed to clarify the intent.

SECTION 7—Subsections 1, 2 and 4. The amendments are designed to clarify the intent.

Subsection 3. The present provision applies to mortgages existing in fact before any lien arose. This is amended so that the provision will apply only to mortgages that were registered before any lien arose. See O.L.R.C. Rep., p. 23.

Subsection 5. No change.

Subsection 6. The provision is re-enacted to apply only to registered agreements, etc. See O.L.R.C. Rep., pp. 23, 24.

SECTIONS 8 and 9. No change.

SECTION 10. The words "or service" are deleted as "work" includes "service". See subsection 2 of section 1 of the Bill.

SECTION 11—Subsection 1. See note to section 10.

Subsection 2. No change.

Subsections 3 and 4. See note to section 10.

Subsection 5. This provision is new. See O.L.R.C. Rep., pp. 25, 26.

Subsection 6. Formerly s. 11 (5). One editorial change only.

Subsection 7. Formerly s. 11 (6). No change.

Subsection 8. Formerly s. 11 (7). Editorial changes only.

Subsection 9. Formerly s. 11 (8). No change.

Subsection 10. Formerly s. 11 (9). Editorial changes only.

SECTION 12. What was formerly subsection 1 is now section 12. No change. See O.L.R.C. Rep., p. 26.

SECTION 13. Formerly subsection 2 of section 12. It is given a section number as it has no relation to section 12. No change in substance. See O.L.R.C. Rep., p. 26.

SECTION 14. Formerly section 13. Subsection 1. The words "at the address endorsed on such conveyance or mortgage pursuant to section 45 of *The Registry Act*" are deleted in order to require proper notice to be given. See O.L.R.C. Rep., pp. 26, 27.

Subsections 2 and 3. No change.

SECTION 15. Formerly section 14. Editorial changes only.

The old section 15 is deleted and the lien on materials unincorporated in the project is abolished. See O.L.R.C. Rep., pp. 28, 29.

SECTION 16—Subsection 1. A number of editorial changes are made and a specific address for service is required in clause *a*. See O.L.R.C. Rep., pp. 29, 30.

Subsections 2 and 3. No change.

SECTION 17. Editorial changes only.

SECTION 18. Editorial changes only.

SECTION 19. The provisions deleted are now covered by *The Registry Act*.

SECTION 20. The intent is clarified.

SECTION 21—Subsection 1. No change.

Subsection 2. Editorial changes only.

Subsection 3. No change.

Subsection 4. Editorial changes only.

31. Subsection 5. Editorial changes only. See O.L.R.C. Rep., pp. 30,

SECTION 22. Editorial changes only.

SECTION 23. Editorial changes only.

SECTION 24. Editorial changes only.

SECTION 25—Subsection 1. Editorial changes only. Subsections 2 and 3 are deleted as their provisions are now covered by *The Registry Act*.

Subsection 2. Formerly subsection 4. Editorial changes only, except that clause *c* is new. See O.L.R.C. Rep., pp. 33, 34.

Subsections 3 and 4. Formerly subsections 5 and 6. Editorial changes only.

Subsection 5. Formerly subsection 7. The provisions are brought into line with *The Land Titles Act* and *The Registry Act*. See O.L.R.C. Rep., p. 34.

Subsection 6. Formerly subsection 8. Editorial changes only.

Subsection 7. New. This was enacted at the current Session of the Legislature. See O.L.R.C. Rep., pp. 34, 35.

SECTIONS 26 and 27. No change.

SECTION 28—Subsections 1 and 2. Editorial changes only.

Subsection 3. Extends the right of inspection. See O.L.R.C. Rep., pp. 31, 32.

SECTION 29. The effect of these amendments is to transfer jurisdiction in lien actions from the Supreme Court to the county and district courts. See O.L.R.C. Rep., pp. 17, 18, 35.

Subsection 7 was formerly section 30.

SECTION 30. This was formerly section 31. It is brought into line with the amendments made in the new section 29. See O.L.R.C. Rep., p. 36.

The former subsection 1 of section 32 is deleted as it is now dealt with elsewhere in the Act. See subsection 4 of section 35 of the Bill.

SECTION 31. Formerly subsections 2 to 8 of section 32. The changes in subsections 1 and 2 are editorial only. The scope of subsection 3, which provides for the appointment of trustees to manage, sell, etc., is extended to give a power to mortgage. See O.L.R.C. Rep., pp. 36, 37.

Subsections 4, 5, 6 and 7. Editorial changes only.

SECTION 32. This is new.

SECTION 33. Editorial changes only.

SECTION 34. The changes are editorial and are designed to clarify the intent. See O.L.R.C. Rep., p. 37.

SECTION 35—Subsection 1. The changes are editorial only, except that the words "and the order, signed by the judge, shall form part of the record of the proceedings" are new. See O.L.R.C. Rep., p. 38.

Subsections 2 and 3. Editorial changes only.

Subsection 4. Editorial changes only, except that the words "including any set-off and counterclaim" in clause *a* are new. They formerly appeared in subsection 1 of section 32.

Subsection 5. Editorial changes only.

Subsection 6. The words "under the supervision and direction of the court" are new. The other changes are editorial only. See O.L.R.C. Rep., p. 39.

Subsections 7, 8 and 9. Editorial changes only.

Subsection 10. This is new. See O.L.R.C. Rep., pp. 35, 37, 38.

SECTION 36—Subsections 1 and 2. Editorial changes only.

SECTION 37. Formerly subsection 3 of section 36. This is given a section number as it does not relate to the subject-matter of section 36. The word "valid" is deleted as being redundant. See O.L.R.C. Rep., p. 40.

SECTION 38. Formerly section 37. No change.

The former section 38 is deleted. This will be covered in the rules of practice and procedure.

SECTION 39. Editorial changes only.

SECTION 40—Subsection 1. An appeal to the Court of Appeal is provided in all cases under this Act.

Subsection 2. Editorial changes only.

SECTION 41. No change.

SECTION 42. The new section 42 combines former sections 42, 43, 44, 45 and 46. Editorial changes only. See O.L.R.C. Rep., p. 41.

SECTION 43. Formerly section 47. Editorial changes only. See O.L.R.C. Rep., p. 41.

SECTION 44. This is new. See O.L.R.C. Rep., pp. 29, 30.

SECTION 45. Formerly section 48. Editorial changes only. See O.L.R.C. Rep., p. 42.

SECTION 46. The purpose of this new section is to transfer the forms from the Act to the regulations.







## The Mechanics' Lien Act, 1966

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1)** In this Act, Interpre-  
tation

- (a) "completion of the contract" means substantial performance, not necessarily total performance, of the contract;
- (b) "contractor" means a person contracting with or employed directly by the owner or his agent for the doing of work or the placing or furnishing of materials for any of the purposes mentioned in this Act;
- (c) "court" means a court having jurisdiction under this Act;
- (d) "judge" means a judge of the court;
- (e) "materials" includes every kind of movable property;
- (f) "owner" includes any person and corporation, including a municipal corporation and a railway company, having any estate or interest in the land upon which or in respect of which work is done or materials are placed or furnished, at whose request, and
  - (i) upon whose credit, or
  - (ii) on whose behalf, or
  - (iii) with whose privity or consent, or
  - (iv) for whose direct benefit,

work is done or materials are placed or furnished and all persons claiming under him or it whose rights are acquired after the work in respect of which the lien is claimed is commenced or the materials placed or furnished have been commenced to be placed or furnished;

- (g) "registrar" includes a master of titles;
- (h) "registry office" includes a land titles office;
- (i) "subcontractor" means a person not contracting with or employed directly by the owner or his agent for any of the purposes mentioned in this Act, but contracting with or employed by a contractor or, under him, by another subcontractor;
- (j) "wages" means the money earned by a workman for work done by time or as piece work, and includes all monetary supplementary benefits, whether statutory or contractual;
- (k) "workman" means a person employed for wages in any kind of labour, whether employed under a contract of service or not. R.S.O. 1960, c. 233, s. 1, *amended*.

Work  
includes  
service

(2) In this Act, the expression "the doing of work" includes the performance of a service, and corresponding expressions have corresponding meanings. *New*.

Exception  
of streets  
or highways

**2.** Nothing in this Act extends to any public street or highway, or to any work or improvement done or caused to be done by a municipal corporation thereon, except that the provisions of section 11 as to the retention and payment of percentages by the owner apply *mutatis mutandis* to any such work or improvement. R.S.O. 1960, c. 233, s. 2, *amended*.

Contract  
price a  
trust fund

**3.—(1)** All sums received by a builder or contractor or a subcontractor on account of the contract price constitute a trust fund in the hands of the builder or contractor or of the subcontractor, as the case may be, for the benefit of the proprietor, builder or contractor, subcontractors, Workmen's Compensation Board, workmen and persons who have supplied material on account of the contract or who have rented equipment to be used on the contract site, and the builder or contractor or the subcontractor, as the case may be, is the trustee of all such sums so received by him and, until all workmen and all persons who have supplied materials on the contract or who have rented equipment to be used on the contract site and all subcontractors are paid for work done or materials supplied on the contract and the Workmen's Compensation Board is paid any assessment with respect thereto, may not appropriate or convert any part thereof to his own use or to any use not authorized by the trust.

Exception

(2) Notwithstanding subsection 1, where a builder, contractor or subcontractor has paid in whole or in part for any

materials supplied on account of the contract or for any rented equipment or has paid any workman who has performed any work or any subcontractor who has placed or furnished any material in respect of the contract, the retention by such builder, contractor or subcontractor of a sum equal to the sum so paid by him shall be deemed not to be an appropriation or conversion thereof to his own use or to any use not authorized by the trust. R.S.O. 1960, c. 233, s. 3 (1, 3), *amended*.

(3) All sums received by an owner, which are intended by the lender and the owner to be used in the financing, including the payment of prior encumbrances, of a building, structure or work, constitute, subject to the payment of prior encumbrances, a trust fund in the hands of the owner for the benefit of the persons mentioned in subsection 1, and, until the claims of all such persons have been paid, the owner may not appropriate or convert any part thereof to his own use or to any use not authorized by the trust. Advances on mortgage, etc., a trust fund

(4) Notwithstanding subsection 3, where an owner has himself paid in whole or in part for any work done, for any materials placed or furnished or for any rented equipment, the retention by him from any moneys received from the lender under subsection 3 of a sum equal to the sum so paid by him shall be deemed not to be an appropriation or conversion thereof to his own use or to a use not authorized by the trust. *New*. Exception

(5) Every person who appropriates or converts any part of the trust moneys referred to in subsection 1 or 3 to his own use or to any use not authorized by the trust is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than two years, or to both, and every director or officer of a corporation who knowingly assents to or acquiesces in any such offence by the corporation is guilty of such offence, in addition to the corporation, and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than two years, or to both. R.S.O. 1960, c. 233, s. 3 (2), *amended*. Offence and penalty

4.—(1) Every agreement, oral or written, express or implied, on the part of any workman that this Act does not apply to or that the remedies provided by it are not available for the benefit of such workman is void. Agreements waiving application of Act are void

(2) Subsection 1 does not apply, Exception

(a) to a manager, officer or foreman; or

(b) to any person whose wages are more than \$25 a day.



Effect upon  
third party  
of agreement  
waiving lien

(3) No agreement deprives any person otherwise entitled to a lien under this Act, who is not a party to the agreement, of the benefit of the lien, but it attaches, notwithstanding such agreement. R.S.O. 1960, c. 233, s. 4, *amended*.

#### CREATION OF LIENS

General  
right to a  
lien

**5.**—(1) Unless he signs an express agreement to the contrary and in that case subject to section 4, any person who does any work upon or in respect of, or places or furnishes any materials to be used in, the making, constructing, erecting, fitting, altering, improving or repairing of any land, building, structure or works or the appurtenances to any of them for any owner, contractor or subcontractor by virtue thereof has a lien for the price of the work or materials upon the estate or interest of the owner in the land, building, structure or works and appurtenances and the land occupied thereby or enjoyed therewith, or upon or in respect of which the work is done, or upon which the materials are placed or furnished to be used, limited, however, in amount to the sum justly due to the person entitled to the lien and to the sum justly owing, except as herein provided, by the owner, and the placing or furnishing of the materials to be used upon the land or such other place in the immediate vicinity of the land designated by the owner or his agent is good and sufficient delivery for the purpose of this Act, but delivery on the designated land does not make such land subject to a lien.

Lien  
attaches  
where  
materials  
incorporated  
into  
building

(2) The lien given by subsection 1 attaches as therein set out where the materials delivered to be used are incorporated into the land, building, structure or works, notwithstanding that the materials may not have been delivered in strict accordance with subsection 1.

Interpre-  
tation

(3) In subsection 1, "agent" includes the contractor or subcontractor for whom the materials are placed or furnished, unless the person placing or furnishing the materials has had actual notice from the owner to the contrary. R.S.O. 1960, c. 233, s. 5, *amended*.

Lien for  
rented  
equipment

(4) A person who rents equipment to an owner, contractor or subcontractor for use on a contract site shall be deemed for the purposes of this Act to have performed a service and has a lien for the price of the rental of the equipment used on the contract site. *New*.

When  
husband's  
interest  
liable for  
work done  
or materials  
furnished  
on land of  
married  
woman

**6.** Where work is done or materials are placed or furnished to be used upon or in respect of the land of a married woman, or in which she has an interest or an inchoate right of dower, with the privity or consent of her husband, he shall be presumed

conclusively to be acting as her agent as well as for himself for the purposes of this Act unless before doing the work or placing or furnishing the materials the person doing the work or placing or furnishing the materials has had actual notice to the contrary. R.S.O. 1960, c. 233, s. 6, *amended*.

7.—(1) Where the estate or interest upon which the lien attaches is leasehold, the fee simple is also subject to the lien if the person doing the work or placing or furnishing the material gives notice in writing, by personal service, to the owner or his agent of the work to be done or material to be placed or furnished unless the owner or his agent within ten days thereafter gives notice in writing, by personal service, to such person that he will not be responsible therefor.

Where estate charged is leasehold

(2) No forfeiture or attempted forfeiture of the lease on the part of the landlord, or cancellation or attempted cancellation of the lease except for non-payment of rent, deprives any person otherwise entitled to a lien of the benefit of the lien, but the person entitled to the lien may pay any rent accruing after he becomes so entitled, and the amount so paid may be added to his claim.

Forfeiture or cancellation of lease, effect of on lien-holder

(3) Where the land and premises upon or in respect of which any work is done or materials are placed or furnished are encumbered by a mortgage or other charge that was registered in the proper registry office before any lien under this Act arose, the mortgage or other charge has priority over all liens under this Act to the extent of the actual value of the land and premises at the time the first lien arose, such value to be ascertained by the judge.

Prior mortgages

(4) The time at which the first lien arose shall be deemed to be the time at which the first work was done or the first materials placed or furnished, irrespective of whether a claim for lien in respect thereof is registered or enforced and whether or not such lien is before the court.

When first lien arose

(5) Any mortgage existing as a valid security, notwithstanding that it is a prior mortgage within the meaning of subsection 3, may also secure future advances, subject to subsection 1 of section 14.

Future advances

(6) A registered agreement for the sale and purchase of land and any moneys *bona fide* secured or payable thereunder has the same priority over a lien as is provided for a mortgage and mortgage moneys in subsections 3 and 5, and for the purposes of this Act the seller shall be deemed to be a mortgagee, and any moneys *bona fide* secured and payable

Registered agreement for sale and purchase of land has same priority as mortgage



under such agreement shall be deemed to be mortgage moneys *bona fide* secured or advanced. R.S.O. 1960, c. 233, s. 7, *amended*.

Application  
of insurance

**8.** Where any of the property upon which a lien attaches is wholly or partly destroyed by fire, any money received by reason of any insurance thereon by an owner or prior mortgagee or chargee shall take the place of the property so destroyed and is, after satisfying any prior mortgage or charge in the manner and to the extent set out in subsection 3 of section 7, subject to the claims of all persons for liens to the same extent as if the money had been realized by a sale of the property in an action to enforce the lien. R.S.O. 1960, c. 233, s. 8.

Limit of  
amount of  
owner's  
liability

**9.** Save as herein otherwise provided, the lien does not attach so as to make the owner liable for a greater sum than the sum payable by the owner to the contractor. R.S.O. 1960, c. 233, s. 9.

Limit of  
lien when  
claimed by  
other  
than con-  
tractor

**10.** Save as herein otherwise provided, where the lien is claimed by any person other than the contractor, the amount that may be claimed in respect thereof is limited to the amount owing to the contractor or subcontractor or other person for whom the work has been done or the materials were placed or furnished. R.S.O. 1960, c. 233, s. 10, *amended*.

Holdback

**11.**—(1) In all cases, the person primarily liable upon any contract under or by virtue of which a lien may arise shall, as the work is done or the materials are furnished under the contract, retain for a period of thirty-seven days after the completion or abandonment of the work done or to be done under the contract 20 per cent of the value of the work and materials actually done, placed or furnished, as mentioned in section 5, irrespective of whether the contract or subcontract provides for partial payments or payment on completion of the work, and the value shall be calculated upon evidence given in that regard on the basis of the contract price or, if there is no specific contract price, on the basis of the actual value of the work or materials. R.S.O. 1960, c. 233, s. 11 (1), *amended*.

Idem,  
where con-  
tract price  
exceeds  
\$25,000

(2) Where the contract price or actual value exceeds \$25,000, the amount to be retained is 15 per cent instead of 20 per cent. R.S.O. 1960, c. 233, s. 11 (2).

Reduction  
in amount  
retained

(3) In the case of a contract that is under the supervision of an architect, engineer or other person upon whose certificate payments are to be made, where thirty-seven days have elapsed after a certificate issued by that architect, engineer or

other person to the effect that the subcontract has been completed to his satisfaction has been given to the person primarily liable upon that contract and to the person who became a subcontractor by a subcontract made directly under that contract, the amount to be retained by the person primarily liable upon that contract shall be reduced by 15 per cent or 20 per cent, as the case may be, of the subcontract price or, if there is no specific subcontract price, by 15 per cent or 20 per cent, as the case may be, of the actual value of the work done or materials placed or furnished under that subcontract, but this subsection does not operate if and so long as any lien derived under that subcontract is preserved by anything done under this Act.

(4) Where a certificate issued by an architect, engineer <sup>Idem</sup> or other person to the effect that a subcontract by which a subcontractor became a subcontractor has been completed to the satisfaction of that architect, engineer or other person has been given to that subcontractor, then for the purposes of subsections 1, 2 and 3 of section 21 and section 23 that subcontract and any materials placed or furnished or to be placed or furnished thereunder and any work done or to be done thereunder shall, so far as concerns any lien thereunder of that subcontractor, be deemed to have been completed or placed or furnished not later than the time at which the certificate was so given. R.S.O. 1960, c. 233, s. 11 (3, 4), *amended*.

(5) Where the architect, engineer or other person upon <sup>Court order in lieu of certificate</sup> whose certificate payments are to be made under a contract neglects or refuses to issue or deliver a certificate as required, the court, upon application and upon being satisfied that the certificate should have been issued and delivered, may make an order, upon such terms and conditions as to costs and otherwise as he deems just, that the contract has been completed, and any such order has the same force and effect as if the certificate had been issued and delivered by the architect, engineer or other person. *New*.

(6) The lien is a charge upon the amount directed to be <sup>Effect of lien on amounts retained</sup> retained by this section in favour of lien claimants whose liens are derived under persons to whom the moneys so required to be retained are respectively payable.

(7) All payments up to 80 per cent as fixed by subsection 1 <sup>Payments made in good faith without notice of lien</sup> or up to 85 per cent as fixed by subsection 2 and payments permitted as a result of the operation of subsections 3 and 4 made in good faith by an owner to a contractor, or by a contractor to a subcontractor, or by one subcontractor to another subcontractor, before notice in writing of the lien given by

the person claiming the lien to the owner, contractor or subcontractor, as the case may be, operate as a discharge *pro tanto* of the lien.

Payment of  
percentage  
and  
discharge  
of liens

(8) Payment of the percentage required to be retained under this section may be validly made so as to discharge all liens or charges in respect thereof after the expiration of the period of thirty-seven days mentioned in subsection 1 unless in the meantime proceedings have been commenced to enforce any lien or charge against the percentage as provided by sections 22 and 23, in which case the owner may pay the percentage into court in the proceedings, and such payment constitutes valid payment in discharge of the owner to the amount thereof.

Amendment  
of contracts

(9) Every contract is amended in so far as is necessary to be in conformity with this section. R.S.O. 1960, c. 233, s. 11 (5-8).

Where  
percentage  
not to be  
applied

(10) Where the contractor or subcontractor makes default in completing his contract, the percentage shall not, as against any lien claimant who by virtue of subsection 6 has a charge thereupon, be applied by the owner, contractor or subcontractor to the completion of the contract or for any other purpose nor to the payment of damages for the non-completion of the contract by the contractor or subcontractor nor in payment or satisfaction of any claim against the contractor or subcontractor. R.S.O. 1960, c. 233, s. 11 (9), *amended*.

Payments  
made  
directly  
by owner  
to persons  
entitled to  
lien

**12.** If an owner, contractor or subcontractor makes a payment to any person entitled to a lien under section 5 for or on account of any debt, justly due to him for work done or for materials placed or furnished to be used as therein mentioned, for which he is not primarily liable, and within three days afterwards gives written notice of the payment to the person primarily liable, or his agent, the payment shall be deemed to be a payment on his contract generally to the contractor or subcontractor primarily liable but not so as to affect the percentage to be retained by the owner as provided by section 11. R.S.O. 1960, c. 233, s. 12 (1), *amended*.

Rights of  
subcon-  
tractor

**13.** Every subcontractor is entitled to enforce his lien notwithstanding the non-completion or abandonment of the contract by any contractor or subcontractor under whom he claims. R.S.O. 1960, c. 233, s. 12 (2).

Priority of  
lien

**14.—(1)** The lien has priority over all judgments, executions, assignments, attachments, garnishments and receiving orders recovered, issued or made after the lien arises, and over all payments or advances made on account of any conveyance



or mortgage after notice in writing of the lien has been given to the person making such payments or after registration of a claim for the lien as hereinafter provided, and, in the absence of such notice in writing or the registration of a claim for lien, all such payments or advances have priority over any such lien. R.S.O. 1960, c. 233, s. 13 (1), *amended*.

(2) Except where it is otherwise provided by this Act, no person entitled to a lien on any property or money is entitled to any priority or preference over another person of the same class entitled to a lien on such property or money, and each class of lienholders ranks *pari passu* for their several amounts, and the proceeds of any sale shall be distributed among them *pro rata* according to their several classes and rights. Priority among lienholders

(3) Any conveyance, mortgage or charge of or on land given to any person entitled to a lien thereon under this Act in payment of or as security for any such claim, whether given before or after such lien claim has arisen, shall, as against other parties entitled to liens under this Act, on any such land be deemed to be fraudulent and void. R.S.O. 1960, c. 233, s. 13 (2, 3). Mortgage given to person entitled to lien void as against lienholders

#### PRIORITY OF WAGES

**15.—**(1) Every workman whose lien is for wages has priority to the extent of thirty days wages over all other liens derived through the same contractor or subcontractor to the extent of and on the 20 per cent or 15 per cent, as the case may be, directed to be retained by section 11 to which the contractor or subcontractor through whom the lien is derived is entitled, and all such workmen rank thereon *pari passu*. Priority of liens for wages

(2) Every wage-earner is entitled to enforce a lien in respect of any contract or subcontract that has not been completed and, notwithstanding anything to the contrary in this Act, may serve a notice of motion on the proper persons, returnable in four days after service thereof before the court, that the applicant will on the return of the motion ask for judgment on his claim for lien, registered particulars of which shall accompany the notice of motion duly verified by affidavit. Enforcing lien in such cases

(3) If the contract has not been completed when the lien is claimed by a wage-earner, the percentage shall be calculated on the value of the work done or materials placed or furnished by the contractor or subcontractor by whom the wage-earner is employed, having regard to the contract price, if any. Calculating percentage when contract not fulfilled

Devices to  
defeat  
priority of  
wage-  
earners

(4) Every device by an owner, contractor or subcontractor to defeat the priority given to a wage-earner for his wages and every payment made for the purpose of defeating or impairing a lien are void. R.S.O. 1960, c. 233, s. 14, *amended*.

#### REGISTRATION

Registration  
of claim  
for lien

**16.**—(1) A claim for a lien may be registered in the proper registry office and shall set out,

- (a) the name and an address for service of the person claiming the lien and of the owner or of the person whom the person claiming the lien, or his agent, believes to be the owner of the land, and of the person for whom the work was or is to be done, or the materials were or are to be placed or furnished, and the time within which the same was or was to be done or placed or furnished;
- (b) a short description of the work done or to be done, or the materials placed or furnished or to be placed or furnished;
- (c) the sum claimed as due or to become due;
- (d) a description of the land as required by *The Land Titles Act* or *The Registry Act* and the regulations thereunder, as the case may be; and
- (e) the date of expiry of the period of credit when credit has been given. R.S.O. 1960, c. 233, s. 16 (1), *amended*.

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Verification  
of claim

(2) The claim shall be verified in duplicate by the affidavit of the person claiming the lien, or of his agent or assignee who has a personal knowledge of the matters required to be verified, and the affidavit of the agent or assignee shall state that he has such knowledge.

Lien  
against  
railway

(3) When it is desired to register a claim for lien against a railway, it is sufficient description of the land of the railway company to describe it as the land of the railway company, and every such claim shall be registered in the general register in the office for the registry division within which the lien is claimed to have arisen. R.S.O. 1960, c. 233, s. 16 (2, 3).

What may  
be included  
in claim

**17.**—(1) A claim for lien may include claims against any number of properties, and any number of persons claiming liens upon the same property may unite therein, but, where



more than one lien is included in one claim, each claim for lien shall be verified by affidavit as provided in section 16.

(2) The court has jurisdiction equitably to apportion against the respective properties the amounts included in any claim or claims under subsection 1. R.S.O. 1960, c. 233, s. 17, *amended*. Apportionment of claims

**18.**—(1) Substantial compliance with sections 16, 17 and 29 is sufficient and no claim for lien is invalidated by reason of failure to comply with any of the requirements of such sections unless, in the opinion of the judge, the owner, contractor or subcontractor, mortgagee or other person is prejudiced thereby, and then only to the extent to which he is thereby prejudiced. Informality in registering liens

(2) Nothing in this section dispenses with registration of the claim for lien. R.S.O. 1960, c. 233, s. 18, *amended*. Registration necessary

**19.** A duplicate of the claim for lien, bearing the registrar's certificate of registration, shall be filed in the office of the clerk of the county or district court of the county or district in which the land is situate on or before the trial of the action. R.S.O. 1960, c. 233, s. 19 (1), *amended*. Duplicate to be filed

**20.** Where a claim is so registered, the person entitled to a lien shall be deemed to be a purchaser *pro tanto* and a purchaser within the provisions of *The Registry Act* and *The Land Titles Act*, but, except as herein otherwise provided, those Acts do not apply to any lien arising under this Act. R.S.O. 1960, c. 233, s. 20, *amended*. Status of lien claimant  
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**21.**—(1) A claim for lien by a contractor or subcontractor in cases not otherwise provided for may be registered before or during the performance of the contract or of the subcontract or within thirty-seven days after the completion or abandonment of the contract or of the subcontract, as the case may be. R.S.O. 1960, c. 233, s. 21 (1). Limit of time for registration

(2) A claim for lien for materials may be registered before or during the placing or furnishing thereof, or within thirty-seven days after the placing or furnishing of the last material so placed or furnished. R.S.O. 1960, c. 233, s. 21 (2), *amended*. Materials

(3) A claim for lien for services may be registered at any time during the performance of the service or within thirty-seven days after the completion of the service. R.S.O. 1960, c. 233, s. 21 (3). Services

(4) A claim for lien for wages may be registered at any time during the doing of the work for which the wages are claimed or within thirty-seven days after the last work was done for which the lien is claimed. Wages

Duty of  
lien claimant  
whose lien  
is not  
registered

(5) Every lien claimant who does not register a claim for lien and whose lien is preserved by an action commenced by another lien claimant shall, before the day appointed for the trial of the action, give written notice of his lien to the owner or his agent, the mortgagee or his agent and the lien claimant who has commenced the action, and shall deposit with the clerk of the county or district court in which the action has been commenced the particulars of his claim verified by affidavit. R.S.O. 1960, c. 233, s. 21 (4, 5), *amended*.

#### EXPIRY AND DISCHARGE

Expiry of  
liens

**22.**—(1) Every lien for which a claim is not registered ceases to exist on the expiration of the time limited in section 21 for the registration thereof unless in the meantime an action is commenced to realize the claim or in which the claim may be realized and a certificate thereof is registered in the registry office in which the claim might have been registered.

Vacating  
orders

(2) Where a certificate of action has been registered for two years or more in the registry office and no appointment has been taken out for the trial of the action, the judge may, upon the application *ex parte* of any interested person, make an order vacating the certificate of action and discharging all liens depending thereon. R.S.O. 1960, c. 233, s. 22, *amended*.

When lien  
to cease  
if registered  
and not  
proceeded  
upon

**23.** Every lien for which a claim is registered ceases to exist on the expiration of ninety days after the work has been completed or the materials have been placed or furnished, or after the expiry of the period of credit, where such period is mentioned in the registered claim for lien, unless in the meantime an action is commenced to realize the claim or in which the claim may be realized, and a certificate is registered as provided by section 22. R.S.O. 1960, c. 233, s. 23, *amended*.

Assignment  
or death of  
lien  
claimant

**24.** The rights of a lien claimant may be assigned by an instrument in writing and, if not assigned, upon his death pass to his personal representative. R.S.O. 1960, c. 233, s. 24, *amended*.

Discharge  
of lien

**25.**—(1) A claim for lien may be discharged by the registration of a receipt acknowledging payment,

- (a) where made by a claimant that is not a corporation, signed by the claimant or his agent duly authorized in writing and verified by affidavit;
- (b) where made by a claimant that is a corporation, sealed with its corporate seal. R.S.O. 1960, c. 233, s. 25 (1), *amended*.

(2) Upon application, the court may, at any time,

Security or  
payment  
into court  
and vacating  
lien and  
certificate  
of action

(a) allow security for or payment into court of the amount of the claim and such costs as it may fix, and thereupon order that the registration of the claim for lien be discharged and that the registration of the certificate of action, if any, be vacated;

(b) upon any other proper ground, order that the registration of the claim for lien be discharged and that the registration of the certificate of action, if any, be vacated; or

(c) upon proper grounds, dismiss the action. R.S.O. 1960, c. 233, s. 25 (4), *amended*.

(3) Notwithstanding sections 22 and 23, where an order to vacate the registration of a lien is made under clause *a* of subsection 2, the lien does not cease to exist for the reason that no certificate of action is registered.

Effect of  
order under  
subs. 2,  
cl. *a*

(4) Any money so paid into court, or any bond or other security for securing the like amount and satisfactory to the court, takes the place of the property discharged and is subject to the claims of every person who has at the time of the application registered his claim for lien or given notice of the claim under subsection 6 of section 11 or section 14 to the same extent as if the money, bond or other security was realized by a sale of the property in an action to enforce the lien, but such amount as the court finds to be owing to the person whose lien has been so vacated is a first charge upon the money, bond or other security.

Money paid  
into court

(5) Where the certificate required by section 22 or 23 has not been registered within the prescribed time and an application is made to vacate the registration of a claim for lien after the time for registration of the certificate, the order vacating the lien may be made *ex parte* upon production of a certificate of search under *The Land Titles Act* or of a registrar's abstract under *The Registry Act*, as the case may be, together with a certified copy of the registered claim for lien. R.S.O. 1960, c. 233, s. 25 (5-7), *amended*.

Where notice  
of applica-  
tion to  
vacate not  
requisite

R.S.O. 1960,  
cc. 204, 348

(6) Where money has been paid into court or a bond deposited in court pursuant to an order under subsection 2, the court may, with the consent of all parties and lien claimants affected, order the money to be paid out to the persons entitled thereto or the delivery up of the bond for cancellation, as the case may be. 1961-62, c. 78, s. 1, *amended*.

Payment of  
money out  
of court



Registration  
number

R.S.O. 1960,  
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(7) An order discharging a claim for lien or vacating a certificate of action shall be registered by registering the order or a certificate thereof, under the seal of the court, that includes a description of the land as required by *The Land Titles Act* or *The Registry Act* and the regulations thereunder, as the case may be, and a reference to the registration number of every registered claim for lien and certificate of action affected thereby. 1966, c. ...., s. 1, *amended*.

#### EFFECT OF TAKING SECURITY OR EXTENDING TIME

Effect  
generally

**26.**—(1) The taking of any security for, or the acceptance of any promissory note or bill of exchange for, or the taking of any acknowledgment of the claim, or the giving of time for the payment thereof, or the taking of any proceedings for the recovery, or the recovery of a personal judgment for the claim, does not merge, waive, pay, satisfy, prejudice or destroy the lien unless the claimant agrees in writing that it has that effect. R.S.O. 1960, c. 233, s. 26 (1).

Where  
period  
of credit  
not expired

(2) Where any such promissory note or bill of exchange has been negotiated, the lien claimant does not thereby lose his right to claim for lien if, at the time of bringing his action to enforce it or where an action is brought by another lien claimant, he is, at the time of proving his claim in the action, the holder of such promissory note or bill of exchange.

Time for  
bringing  
action not  
extended

(3) Nothing in subsection 2 extends the time limited by this Act for bringing an action to enforce a claim for lien.

Time for  
bringing  
action by  
person who  
gave time  
for payment

(4) A person who has extended the time for payment of a claim for which he has a claim for lien, in order to obtain the benefit of this section, shall commence an action to enforce the claim within the time prescribed by this Act and shall register a certificate as required by sections 22 and 23, but no further proceedings shall be taken in the action until the expiration of such extension of time. R.S.O. 1960, c. 233, s. 26 (2-4), *amended*.

Proving  
claim in  
action by  
another  
person

**27.** Where the period of credit in respect of a claim has not expired, or where there has been an extension of time, for payment of the claim, the lien claimant may nevertheless, if an action is commenced by any other person to enforce a claim for lien against the same property, prove and obtain payment of his claim in the action as if the period of credit or the extended time had expired. R.S.O. 1960, c. 233, s. 27.

## LIEN CLAIMANT'S RIGHTS TO INFORMATION

28.—(1) Any lien claimant may, in writing, at any time demand of the owner or his agent the production, for inspection, of the contract or agreement with the contractor for or in respect of which the work is or is to be done or the materials are or are to be placed or furnished, if the contract or agreement is in writing or, if not in writing, the terms of the contract or agreement and the state of the accounts between the owner and the contractor, and, if the owner or his agent does not, at the time of the demand or within a reasonable time thereafter, produce the contract or agreement if in writing or, if not in writing, does not inform the person making the demand of the terms of the contract or agreement and the amount due and unpaid upon the contract or agreement or if he knowingly falsely states the terms of the contract or agreement or the amount due or unpaid thereon and if the person claiming the lien sustains loss by reason of the refusal or neglect or false statement, the owner is liable to him for the amount of the loss in an action therefor or in any action for the enforcement of a lien under this Act, and subsection 4 of section 35 applies.

(2) Any lien claimant may in writing at any time demand of a mortgagee or unpaid vendor or his agent the terms of any mortgage on the land or of any agreement for the purchase of the land in respect of which the work is or is to be done or the materials are or are to be placed or furnished and a statement showing the amount advanced on the mortgage or the amount owing on the agreement, as the case may be, and, if the mortgagee or vendor or his agent fails to inform the lien claimant at the time of the demand or within a reasonable time thereafter of the terms of the mortgage or agreement and the amount advanced or owing thereon or if he knowingly falsely states the terms of the mortgage or agreement and the amount owing thereon and the lien claimant sustains loss by the refusal or neglect or misstatement, the mortgagee or vendor is liable to him for the amount of the loss in an action therefor or in any action for the enforcement of a lien under this Act, and subsection 4 of section 35 applies.

(3) The court may, on a summary application at any time before or after an action is commenced for the enforcement of the claim for lien, make an order requiring the owner or his agent or the mortgagee or his agent or the unpaid vendor or his agent or the contractor or subcontractor or his agent, as the case may be, to produce and permit any lien claimant to inspect any such contract or agreement or mortgage or agreement for sale or the accounts or any other relevant document upon such terms as to costs as the court deems just. R.S.O. 1960, c. 233, s. 28, *amended*.



## ACTIONS

How claim  
enforceable

**29.**—(1) A claim for lien is enforceable in an action in the county or district court of the county or district in which the land or part thereof is situate.

Statement  
of claim,  
filing of

(2) The action shall be commenced by filing a statement of claim in the office of the clerk of the court.

Idem,  
service

(3) The statement of claim shall be served within thirty days after it is filed, but the court may extend the time for service.

Statement  
of defence

(4) The statement of defence in the action shall be delivered within ten days after the statement of claim has been served, but the court may extend the time for delivery.

Parties

(5) It is not necessary to make any lien claimants parties defendant to the action, but all lien claimants served with the notice of trial shall for all purposes be deemed to be parties to the action.

Motion  
to speed  
trial

(6) After the commencement of the action, any lien claimant or other person interested may apply to the court to speed the trial of the action. R.S.O. 1960, c. 233, s. 29, *amended*.

Lien  
claimants  
joining in  
action

(7) Any number of lien claimants claiming liens on the same land may join in an action, and an action brought by a lien claimant shall be deemed to be brought on behalf of himself and all other lien claimants. R.S.O. 1960, c. 233, s. 30, *amended*.

Place of  
trial

**30.**—(1) Except as provided in subsection 2, the action shall be tried in the county or district court in which the action was commenced.

Removal  
of action  
into S.C.O.

(2) Upon the application of any party or other interested person made according to the practice of the Supreme Court and upon notice, a judge of the Supreme Court may direct that the action be tried by a judge of the Supreme Court at a regular sittings of the court for the trial of actions in the county or district in which the action was commenced. R.S.O. 1960, c. 233, s. 31 (1, 2), *amended*.

Where con-  
tract covers  
several  
buildings

**31.**—(1) Where an owner enters into an entire contract for the supply of materials to be used in several buildings, the person supplying the materials may ask to have his lien follow the form of the contract and that it be for an entire sum upon all the buildings, but, in case the owner has sold one or more of the buildings, the court has jurisdiction equitably to apportion against the respective buildings the amount included in the claim for lien under the entire contract.

(2) At any time after the delivery of the statement of claim, the court may, on the application of any lien claimant, mortgagee or other person interested, appoint a receiver of the rents and profits of the property against which the claim for lien is registered, upon such terms and upon the giving of such security or without security as the court deems just. <sup>Power to appoint a receiver of rents and profits</sup>

(3) Any lien claimant, mortgagee or other person interested may make an application to the court at any time before or after judgment, which may hear *viva voce* or affidavit evidence or both and appoint, upon such terms and upon the giving of such security or without security as the court deems just, a trustee or trustees with power to manage, mortgage and sell, or manage, mortgage or sell, the property against which the claim for lien is registered, and the exercise of such powers shall be under the supervision and direction of the court, and with power, when so directed by the court, to complete or partially complete the property, and, in the event that mortgage moneys are advanced to the trustee or trustees as the result of any of the powers conferred upon him or them under this subsection, such moneys take priority over every claim of lien existing as of the date of the appointment. <sup>Power to direct sale and appoint trustee</sup>

(4) Any property directed to be sold under subsection 3 may be offered for sale subject to any mortgage or other charge or encumbrance if the court so directs, but only in cases where there is no dispute as to the priority of any such mortgage. <sup>Property offered for sale</sup>

(5) The proceeds of any sale made by a trustee under subsection 3 shall be paid into court and are subject to the claims of all lien claimants, mortgagees or other persons interested in the property so sold as their respective rights are determined, and, in so far as applicable, section 36 applies. <sup>Proceeds to be paid into court</sup>

(6) The court shall make all necessary orders for the completion of the sale, for the vesting of the property in the purchaser, and for possession. <sup>Orders for completion of sale</sup>

(7) Any such vesting order so made of property so sold by a trustee appointed under subsection 3 vests the title of the property free from all claims for liens, encumbrances and interests of any kind including dower, except in cases where sale is made subject to any mortgage, charge, encumbrance or interest as hereinbefore provided, but nothing in this section or in this Act shall be deemed to extinguish the right to dower, if any, of any married woman or the right to have the value of her dower ascertained and deducted from the proceeds of the sale so paid into court. R.S.O. 1960, c. 233, s. 32 (2-8), amended. <sup>Vesting of title</sup>

Order for  
preserva-  
tion of  
property

**32.** At any time after delivery of the statement of claim and before judgment, or after judgment and pending the hearing and determination of any appeal, any lien claimant, mortgagee or other interested person may make an application to the court having jurisdiction to try the action, which may hear *viva voce* or affidavit evidence or both and make an order for the preservation of any property pending the determination of the action and any appeal. *New.*

Consolida-  
tion of  
actions

**33.** Where more actions than one are brought to realize liens in respect of the same land, the court may, on the application of any party to any one of the actions or on the application of any other person interested, consolidate all such actions into one action and award the conduct of the consolidated action to any plaintiff as the court deems just. R.S.O. 1960, c. 233, s. 33, *amended.*

Transferring  
carriage of  
proceedings

**34.** Any lien claimant entitled to the benefit of an action may at any time apply to the court for the carriage of the proceedings, and the court may make an order awarding such lien claimant the carriage of the proceedings. R.S.O. 1960, c. 233, s. 34, *amended.*

Appointing  
day for  
trial

**35.**—(1) After the delivery of the statement of defence, where the plaintiff's claim is disputed, or after the time for delivery of defence in all other cases, either party may apply *ex parte* to a judge to fix a day for the trial thereof, and the judge shall appoint the time and place of trial, and the order, signed by the judge, shall form part of the record of the proceedings.

Notice of  
trial and  
service

(2) The party obtaining an appointment for the trial shall, at least ten clear days before the day appointed, serve notice of trial upon the solicitors for the defendants who appear by solicitors and upon the defendants who appear in person, and upon all the lienholders who have registered their claims as required by this Act or of whose claims he has notice, and upon all other persons having any charge, encumbrance or claim on the land subsequent in priority to the lien, who are not parties, and such service shall be personal unless otherwise directed by the judge who may direct in what manner the notice of trial is to be served.

*Idem*

(3) Where any person interested in the land has been served with a statement of claim and makes default in delivering a statement of defence, he shall nevertheless be served with notice of trial and is entitled to defend on such terms as to costs and otherwise as the court deems just.



(4) The court, *with reference to the trial of the action* Trial

(a) shall try the action, including any set-off and counter-claim, and all questions that arise therein or that are necessary to be tried in order to completely dispose of the action and to adjust the rights and liabilities of the persons appearing before him or upon whom notice of trial has been served;

(b) shall take all accounts, make all inquiries, give all directions and do all other things necessary to finally dispose of the action and of all matters, questions and accounts arising therein or at the trial, and to adjust the rights and liabilities of and give all necessary relief to all parties to the action and all persons who have been served with the notice of trial; and

(c) shall embody the results of the trial in a judgment, which judgment may direct payment forthwith by the person or persons primarily liable to pay the amount of the claims and costs as ascertained by the judgment, and execution may be issued therefor forthwith.

(5) The form of the judgment may be varied by the court in order to meet the circumstances of the case so as to afford to any party to the proceedings any right or remedy in the judgment to which he is entitled. Power to vary form of judgment

(6) The court may order that the estate or interest charged with the lien be sold, may refer the conduct of the sale to the clerk of the court, and may direct the sale to take place at any time after judgment, allowing, however, a reasonable time for advertising the sale. Sale

(7) A lien claimant who did not prove his claim at the trial, on application to the court, may be let in to prove his claim, on such terms as to costs and otherwise as are deemed just, at any time before the amount realized in the action for the satisfaction of liens has been distributed, and, where his claim is allowed, the judgment shall be amended so as to include his claim. Letting in lien claimants who have not proved their claims at trial

(8) Any lien claimant for an amount not exceeding \$200 may be represented by an agent who is not a solicitor. Right of lien claimants to representation

(9) An action may be tried by any judge of the court having jurisdiction to try the action notwithstanding that the time and place for the trial thereof were appointed and fixed by another such judge. R.S.O. 1960, c. 233, s. 35, *amended*. Action may be tried by any judge having jurisdiction

Applications  
for  
directions

(10) Any party to an action under this Act or any other interested person may at any time and from time to time apply to the court for directions as to pleadings, discovery, production or any other matter relating to the action, including the cross-examination of a lien claimant or his agent or assignee on his affidavit verifying the claim. *New.*

Report  
where sale  
is had

**36.**—(1) Where a sale is had, the moneys arising therefrom shall be paid into court to the credit of the action, and the court shall direct to whom the moneys in court shall be paid and may add to the claim of the person conducting the action his fees and actual disbursements incurred in connection with the sale, and, where sufficient to satisfy the judgment and costs is not realized from the sale, the court shall certify the amount of the deficiency and the names of the persons who are entitled to recover the same, showing the amount that each is entitled to recover and the persons adjudged to pay the same, giving credit for payments made, if any, under subsection 4 of section 35, and the persons so entitled may enforce payment of the amounts so found to be due by execution or otherwise.

Completion  
of sale

(2) The court may make all necessary orders for the completion of the sale and for vesting the property in the purchaser. R.S.O. 1960, c. 233, s. 36 (1, 2), *amended.*

Where  
lien not  
established

**37.** Where a claimant fails to establish a lien, he may nevertheless recover a personal judgment against any party to the action for such sum as may appear to be due to him and which he might recover in an action against such party. R.S.O. 1960, c. 233, s. 36 (3), *amended.*

Right of  
lienholders  
whose claims  
are not  
payable to  
share in  
proceeds

**38.** Where property subject to a lien is sold in an action to enforce a lien, every lienholder is entitled to share in the proceeds of the sale in respect of the amount then owing to him, although the same or part thereof was not payable at the time of the commencement of the action or is not then presently payable. R.S.O. 1960, c. 233, s. 37.

#### STATED CASE

Stated case

**39.**—(1) If in the course of proceedings to enforce a lien a question of law arises, the judge trying the case may, at the request of any party, state the question in the form of a stated case for the opinion of the Court of Appeal, and the stated case shall thereupon be set down to be heard before the Court of Appeal and notice of hearing shall be served by the party setting down upon all parties concerned. R.S.O. 1960, c. 233, s. 39 (1), *amended.*



(2) The stated case shall set forth the facts material for the determination of the question raised, and all papers necessary for the hearing of the appeal shall be transmitted to the registrar of the Court of Appeal. R.S.O. 1960, c. 233, s. 39 (2). <sup>Trans-  
mission of  
papers</sup>

#### APPEAL

**40.**—(1) An appeal lies from any judgment under this Act to the Court of Appeal as provided in *The County Courts Act*. R.S.O. 1960, c. 233, s. 40 (1), *amended*. <sup>Appeal</sup> <sup>R.S.O. 1960,  
c. 76</sup>

(2) The costs of an appeal shall not be governed by subsections 2 and 3 of section 42, but, subject to any order of the Court of Appeal, shall be upon the scale of costs allowed in county court appeals where the amount involved is within the proper competence of the county court, and, where it exceeds that amount, upon the Supreme Court scale. R.S.O. 1960, c. 233, s. 40 (5), *amended*. <sup>Costs of  
appeal</sup>

#### FEEES AND COSTS

**41.** The fee payable by every plaintiff, every plaintiff by counterclaim and every lien claimant, including every person recovering a personal judgment, in any action to realize a lien under this Act is, <sup>Fee</sup>

- (a) \$5 on a claim or counterclaim not exceeding \$500;
- (b) \$10 on a claim or counterclaim exceeding \$500 but not exceeding \$1,000;
- (c) \$10 on a claim or counterclaim exceeding \$1,000, plus \$1 for every \$1,000 or fraction thereof in excess of \$1,000,

but no fee is payable on a claim for wages only, and in no case shall the fee on a claim exceed \$75 or on a counterclaim exceed \$25. R.S.O. 1960, c. 233, s. 41.

**42.**—(1) Subject to subsections 2, 3, 4 and 5, any order as to costs in an action under this Act is in the discretion of the judge who tries the action. R.S.O. 1960, c. 233, s. 46, *amended*. <sup>Costs not  
otherwise  
provided  
for</sup>

(2) The costs of the action, exclusive of actual disbursements, awarded to the plaintiffs and successful lienholders, shall not exceed in the aggregate 25 per cent of the total amount found to have been actually due on the liens at the time of the registration thereof, and shall be apportioned and borne in such proportion as the judge who tries the action may direct, but in making the apportionment he shall have <sup>Limit of  
costs to  
plaintiffs</sup>

regard to the actual services rendered by or on behalf of the parties respectively, provided that, where a counterclaim is set up by a defendant, the amount and apportionment of the costs in respect thereof are in the discretion of the judge. R.S.O. 1960, c. 233, s. 42, *amended*.

Limit of  
costs against  
plaintiffs

(3) Where costs are awarded against the plaintiff or other persons claiming liens, they shall not exceed, except in the case of a counterclaim, 25 per cent of the claim of the plaintiff and the other claimants, besides actual disbursements, and shall be apportioned and borne as the judge may direct. R.S.O. 1960, c. 233, s. 43, *amended*.

Costs where  
least expen-  
sive course  
not taken

(4) Where the least expensive course is not taken by a plaintiff, the costs allowed to him shall in no case exceed what would have been incurred if the least expensive course had been taken. R.S.O. 1960, c. 233, s. 44.

Costs of  
drawing and  
registering  
and vacating  
registration  
of lien

(5) Where a lien is discharged or vacated under section 25 or where judgment is given in favour of or against a claim for a lien, in addition to the costs of the action, the judge may allow a reasonable amount for the costs of drawing and registering the claim for lien or of vacating the registration thereof, but this does not apply where the claimant fails to establish a valid lien. R.S.O. 1960, c. 233, s. 45, *amended*.

#### RULES OF PROCEDURE

Rules of  
procedure

**43.**—(1) The object of this Act being to enforce liens at the least expense, the procedure shall be as far as possible of a summary character, having regard to the amount and nature of the liens in question.

Interlocu-  
tory proceed-  
ings

(2) Except where otherwise provided by this Act, no interlocutory proceedings shall be permitted without the consent of the court, and then only upon proper proof that such proceedings are necessary.

Assistance  
of experts

(3) The court may obtain the assistance of any merchant, accountant, actuary, building contractor, architect, engineer or person in such way as he deems fit, the better to enable him to determine any matter of fact in question, and may fix the remuneration of any such person and direct payment thereof by any of the parties. R.S.O. 1960, c. 233, s. 47, *amended*.

#### SERVICE OF DOCUMENTS

Service of  
documents

**44.** Except where otherwise directed by the court, all documents under this Act, other than statements of claim and notices of trial, are sufficiently served upon the intended recipient if sent by registered mail addressed to him at his address for service. *New.*

## LIENS ON CHATTELS

**45.**—(1) Every person who has bestowed money, skill or materials upon any chattel or thing in the alteration or improvement of its properties or for the purpose of imparting an additional value to it, so as thereby to be entitled to a lien upon the chattel or thing for the amount or value of the money or skill and material bestowed, has, while the lien exists but not afterwards, in case the amount to which he is entitled remains unpaid for three months after it ought to have been paid, the right, in addition to any other remedy to which he may be entitled, to sell by auction the chattel or thing on giving one week's notice by advertisement in a newspaper published in the municipality in which the work was done, or in case there is no newspaper published in the municipality then in the newspaper published nearest thereto, setting forth the name of the person indebted, the amount of the debt, a description of the chattel or thing to be sold, the time and place of sale, and the name of the auctioneer, and leaving a like notice in writing at the last known place of residence, if any, of the owner, if he is a resident of the municipality.

Right of  
chattel  
lienholder  
to sell  
chattel

(2) Such person shall apply the proceeds of the sale in payment of the amount due to him and the costs of advertising and sale and shall upon application pay over any surplus to the person entitled thereto. R.S.O. 1960, c. 233, s. 48, *amended*.

Application  
of proceeds  
of sale

## FORMS

**46.** The Lieutenant Governor in Council may make regulations prescribing forms and providing for their use. *New.*

Forms

## MISCELLANEOUS

**47.** *The Mechanics' Lien Act, The Mechanics' Lien Amendment Act, 1961-62, The Mechanics' Lien Amendment Act, 1962-63 and The Mechanics' Lien Amendment Act, 1966* are repealed.

R.S.O. 1960,  
c. 233;  
1961-62,  
c. 78;  
1962-63,  
c. 79;  
1966, c. ....,  
repealed

**48.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-  
ment

**49.** This Act may be cited as *The Mechanics' Lien Act, 1966*.

Short title









The Mechanics' Lien Act, 1966

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*1st Reading*

June 27th, 1966

*2nd Reading*

*3rd Reading*

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MR. WISHART

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# **BILL 191**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Sale of Goods Act**

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**MR. WISHART**

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#### EXPLANATORY NOTE

Subsection 2 of section 25 of *The Sale of Goods Act* reads:

- (2) Where a person having bought or agreed to buy goods obtains, with the consent of the seller, possession of the goods or the documents of title to the goods, the delivery or transfer by that person, or by a mercantile agent acting for him, of the goods or documents of title, under a sale, pledge or other disposition thereof to a person receiving the same in good faith and without notice of any lien or other right of the original seller in respect of the goods, has the same effect as if the person making the delivery or transfer were a mercantile agent in possession of the goods or documents of title with the consent of the owner.

The purpose of this Bill is to provide the exception to subsection 2 mentioned in the new subsection 2*a*, thus allowing the transactions mentioned in subsection 2*a* to be dealt with under *The Personal Property Security Act, 1966*.

BILL 191

1966

## An Act to amend The Sale of Goods Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 25 of *The Sale of Goods Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 358, s. 25, amended

(2a) Subsection 2 does not apply to goods the possession of which has been obtained by a buyer under a security agreement whereby the seller retains a security interest within the meaning of *The Personal Property Security Act, 1966*, and the rights of the parties shall be determined by that Act. Security interests excepted 1966, c. ...

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

3. This Act may be cited as *The Sale of Goods Amendment Act, 1966*. Short title

An Act to amend  
The Sale of Goods Act

*1st Reading*

June 27th, 1966

*2nd Reading*

*3rd Reading*

MR. WISHART



# **BILL 192**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Municipal Act**

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**MR. SPOONER**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

### EXPLANATORY NOTES

SECTION 1. Provision is made for the erection of a township into a town on the application of the township.

SECTION 2. With respect to annexations, the Municipal Board may require the transfer of real property. The new clause *fa* gives the Board authority to vest the property in the appropriate municipality or local board.

Under the present legislation, compensating grants may be made only when the taxable assessment is reduced by not less than 15 per cent by reason of a single annexation order. It may occur that a municipality may have its taxable assessment reduced by two or more orders, each of which reduces the taxable assessment by less than 15 per cent, but in total may exceed 15 per cent. The new clause *ia* provides for compensating grants in such cases.

BILL 192

1966

## An Act to amend The Municipal Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 11 of *The Municipal Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 249, s. 11,  
subs. 4,  
re-enacted

- (4) Upon the application of a village or township having a population of not less than 2,000, the Municipal Board may erect the village or township into a town.

Erection of  
village or  
township  
into town

2. Subsection 10 of section 14 of *The Municipal Act*, as amended by section 3 of *The Municipal Amendment Act, 1965*, is further amended by adding thereto the following clauses:

R.S.O. 1960,  
c. 249, s. 14,  
subs. 10,  
amended

- (fa) vest real property of either municipality or a local board thereof in the other municipality or a local board thereof and take any such vesting into consideration in the adjustments of assets and liabilities;

- (ia) where by reason of annexation orders made under this section within any three-year period the taxable assessment of a local municipality is reduced by not less than a total of 15 per cent as shown by the last revised assessment rolls prior to the effective date of each of such annexations, and no order has been made under clause i, authorize and direct the payment to such municipality or to a school board thereof by the annexing municipality or a school board thereof, to relieve such municipality or school board from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the last annexation in such amounts and manner as may be agreed upon between the municipalities and

the school boards and approved by the Municipal Board or, failing agreement, as the Municipal Board may deem equitable after a public hearing in each case.

R.S.O. 1960,  
c. 249,  
amended

**3.** *The Municipal Act* is amended by adding thereto the following section:

Notice by  
Minister  
to Muni-  
cipal Board  
to stay  
proceedings

25a. When the Minister institutes an inquiry into the structure, organization and methods of operation of one or more municipalities, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications made under this Part should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

R.S.O. 1960,  
c. 249, s. 31,  
amended

**4.** Section 31 of *The Municipal Act* is amended by adding thereto the following subsections:

Villages  
and town-  
ships with  
population  
of 10,000  
or more

(1a) If a village or township in a county has a population of not less than 10,000, the council may by by-law provide that the council shall be composed of a reeve, a deputy reeve, where so entitled, and a sufficient number of councillors to make up seven in all to be elected by general vote.

Time for  
passing  
by-law

(1b) A by-law for the purpose mentioned in subsection 1a and a by-law repealing any such by-law shall not be passed later in the year than the 1st day of November and shall take effect at and for the purpose of the municipal election next after the passing of it.

R.S.O. 1960,  
c. 249, s. 32,  
re-enacted

**5.** Section 32 of *The Municipal Act* is repealed and the following substituted therefor:

Councils of  
villages and  
townships in  
unorganized  
territory

32.—(1) In unorganized territory, the council of a village and the council of a township shall consist of a reeve and four councillors to be elected by general vote.

Where  
population  
of 2,000  
or more

(2) If the village or township has a population of not less than 2,000, the council may provide that the council shall consist of a reeve and six councillors, a reeve and seven councillors or a reeve and nine councillors.

Election  
by wards

(3) If the village or township has been divided into wards, the council may provide that the council shall consist of a mayor and one councillor for each ward and the

SECTION 3. Self-explanatory.

SECTION 4. The amendment will permit the enlargement of the council of a village or township without the adoption of a ward system.

SECTION 5. This amendment gives townships and villages in unorganized territory with a population of 2,000 or more the right to have the same size of council as a town in unorganized territory.



SECTION 6. Some municipalities require deposits for certain things such as the repairing of a private drain, part of which deposit may be returnable to the ratepayer under certain circumstances. This might constitute a contract with the ratepayer so that he might be disqualified under section 35 (1) (g). The amendment is to make it clear that a person is not disqualified only by reason of such a deposit being returnable to him.

SECTION 7. The word "void" in section 36 has been interpreted by the courts as meaning voidable at the instance of the municipality. The amendment makes such contracts voidable at the instance of the municipality or a municipal elector thereof.

SECTION 8. The amendments provide a further option in the term of office of councillors, namely, a three-year term.

Subsection 9 is revised to provide that, where a by-law under subsection 1 or 5a is repealed, the councillors then in office remain in office until the expiry of their two- or three-year term or in the case of a staggered system until the end of the two-year term of the mayor or reeve.

remaining councillors to complete the full number of four, six, seven or nine, as the case may be, to be elected by general vote.

6. Subsection 3 of section 35 of *The Municipal Act*, as amended by section 3 of *The Municipal Amendment Act, 1960-61* and subsections 2 and 4 of section 3 of *The Municipal Amendment Act, 1961-62*, is further amended by adding thereto the following clause: R.S.O. 1960,  
c. 249, s. 35,  
subs. 3,  
amended

- (m) of his having made a deposit with the corporation or with any local board thereof, the whole or part of which is or may be returnable to him in like manner as such a deposit is or may be returnable to all other ratepayers.

7. Section 36 of *The Municipal Act* is amended by striking out "void" in the fifth line and inserting in lieu thereof "voidable at the instance of the municipality or a municipal elector thereof", so that the section shall read as follows: R.S.O. 1960,  
c. 249, s. 36,  
amended

36. If a member of a council in his own name or in that of another and alone or jointly with another enters into a contract with or makes a purchase from or a sale to the corporation, the contract, purchase or sale as against the corporation is voidable at the instance of the municipality or a municipal elector thereof. Contracts  
by members  
with cor-  
poration  
to be  
voidable

8.—(1) Section 53 of *The Municipal Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 249, s. 53,  
amended

- (5a) Notwithstanding any general or special Act, the council of a local municipality may by by-law provide that thereafter the term of office of members of council of the municipality shall be three years, and all the members of council elected at the election next after the passing of the by-law and thereafter shall hold office for a three-year term. Triennial  
elections

(2) Subsection 6 of the said section 53 is amended by inserting after "1" in the second line "or 5a". R.S.O. 1960,  
c. 249, s. 53,  
subs. 6,  
amended

(3) Subsection 7 of the said section 53 is amended by adding thereto the following clause: R.S.O. 1960,  
c. 249, s. 53,  
subs. 7,  
amended

- (c) where the by-law under subsection 5a provides for triennial elections, shall be passed in the year in which the by-law under subsection 5a is passed or in any year in which a nomination meeting is to be held in respect of a triennial election.

R.S.O. 1960,  
c. 249, s. 53,  
subs. 8,  
amended

(4) Subsection 8 of the said section 53 is amended by inserting after "1" in the first line "or 5a".

R.S.O. 1960,  
c. 249, s. 53,  
subs. 9,  
re-enacted

(5) Subsection 9 of the said section 53 is repealed and the following substituted therefor:

Repeal

(9) Subject to section 54, where a by-law passed under subsection 1 or 5a is repealed, the members of the council and, where the power conferred by subsection 6 has been exercised, the elected members of any local board affected cease to hold office,

(a) where the staggered system of elections has been provided, at the end of the two-year term of office of the mayor, the reeve and the deputy reeve or deputy reeves;

(b) where biennial or triennial elections have been provided, at the end of the two-year or three-year term of office, as the case may be,

and an election shall be held for the members of council and of such local board for the ensuing year and thereafter as if the by-law had not been passed under subsection 1 or 5a.

R.S.O. 1960,  
c. 249, s. 90,  
amended

9.—(1) Section 90 of *The Municipal Act* is amended by adding thereto the following subsection:

Petition  
to hold  
poll on  
Saturday

(1a) When a petition, which according to the certificate of the clerk of the municipality is signed by not less than 10 per cent of the persons qualified to vote on money by-laws, is presented to the council of a local municipality at least seventy-five days before the day fixed for polling requesting the council to pass a by-law for providing advance polls, for the purposes set out in subsection 1, on a Saturday, excepting a Saturday that falls on the 24th, 25th or 31st day of December, the council shall pass a by-law in accordance with the petition.

R.S.O. 1960,  
c. 249, s. 90,  
subs. 2,  
amended

(2) Subsection 2 of the said section 90 is amended by inserting after "1" in the first line "or 1a".

R.S.O. 1960,  
c. 249, s. 215,  
subs. 4,  
repealed

10. Subsection 4 of section 207 of *The Municipal Act* is repealed.

R.S.O. 1960,  
c. 249, s. 215,  
amended

11. Section 215 of *The Municipal Act* is amended by adding thereto the following subsection:

SECTION 9. Self-explanatory.

SECTION 10. The repeal of subsection 4 is complementary to the amendments proposed to section 53 to permit a three-year term of office for members of council.

SECTION 11. Self-explanatory.

SECTION 12. Subsection 2 is revised for the purpose of clarification.

SECTION 13. Different forms of declarations of office are provided for members of council and municipal officers.

SECTION 14. Section 248c is revised,

- (a) to define certain words and expressions used in the section for the purpose of clarification;
- (b) to establish a maximum limit on the amount of annual pension that a municipality or local board may provide to employees;
- (c) to clarify that a municipality or local board may receive pension moneys transferred from certain other municipal and government pension plans.



- (4) Notwithstanding subsection 1, on the request of the Archivist of Ontario, the council may permit the originals of by-laws no longer in force or the operation of which is spent or of minutes of the proceedings of the council to be kept by the Archivist instead of the clerk, provided that a photographic copy of all such documents is kept by the clerk. Original by-laws kept by Archivist
- 12.** Subsection 2 of section 228 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 228, subs. 2, re-enacted
- (2) Where a local board is a local board of more than one municipality, the accounts and transactions thereof shall be audited by an auditor of the municipality that is liable for a larger portion of the operating costs of the local board than any other municipality, and, in the event of disagreement as to the proper auditor, the matter may be determined by the Department on the application of any municipality of which the local board in question is a local board. Where board is local board of more than one municipality
- 13.** Subsection 1 of section 236 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 236, subs. 1, re-enacted
- (1) Every member of a council, trustee of a police village and public utility commissioner, before entering on the duties of his office, shall make and subscribe a declaration of office (Form 20). Declaration of office of members of council, etc.
- (1a) Every clerk, treasurer, assessment commissioner, assessor, collector, engineer, commissioner of industries, clerk of works and street overseer or commissioner, before entering on the duties of his office, shall make and subscribe a declaration of office (Form 20a). Municipal officers
- 14.** Section 248c of *The Municipal Act*, as enacted by section 10 of *The Municipal Amendment Act, 1962-63* and amended by section 21 of *The Municipal Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 248c (1962-63, c. 87, s. 10), re-enacted
- 248c.—(1) In this section, Interpretation
- (a) "approved pension plan" means a pension, superannuation or benefit fund or plan to which a municipality or local board makes contribution under any general or special Act, except *The Public Service Superannuation Act*, *The Teachers' Superannuation Act* and *The Ontario Municipal Employees Retirement System Act, 1961-62*; R.S.O. 1960, cc. 332, 392 (1961-62, c. 97)

(b) "employee" means an employee as defined in paragraph 59 of section 377;

(c) "local board" means a local board as defined in paragraph 59 of section 377;

(d) "service" means employment of an employee, and "credited service" means service under an approved pension plan for which a pension is payable;

(e) "year's maximum pensionable earnings" means the Year's Maximum Pensionable Earnings as defined in the *Canada Pension Plan*.

1965, c. 51  
(Can.)

Termination  
of approved  
pension plan

- (2) Subject to the approval of the Department, a municipality or local board that makes contribution to an approved pension plan may discontinue contributions to or terminate the provisions of such plan or may transfer the assets thereof to another such plan or to the Ontario Municipal Employees Retirement Fund.

Amendment  
of approved  
pension plan

- (3) Notwithstanding any general or special Act, the terms and conditions of an approved pension plan shall not be altered, amended or repealed without the approval of the Department.

Maximum  
pension  
benefit

- (4) Notwithstanding any general or special Act, a municipality or local board shall not make a contribution for the provision of a pension with respect to an employee under an approved pension plan or under *The Ontario Municipal Employees Retirement System Act, 1961-62* that is in excess of an annual amount of 2 per cent of his average annual earnings during the sixty consecutive months during which his earnings as an employee were highest multiplied by the number of years of his service up to thirty-five years and reduced by 0.7 per cent of the lesser of such average annual earnings or the year's maximum pensionable earnings established at the time he ceased to be employed by the municipality or local board multiplied by the number of years of credited service of the employee after the 1st day of January, 1966, but this subsection does not apply so as to reduce any benefit provided under the terms and conditions of an approved pension plan in force on the 31st day of December, 1965.

1961-62,  
c. 97

- (5) Notwithstanding any general or special Act, where an employee on or after the 1st day of March, 1948, Transfer from approved pension plan

- (a) has been contributing to an approved pension plan;
- (b) terminates his employment with the municipality or local board; and
- (c) without intervening employment becomes a member of the civil service of Ontario or Canada, the civic service of any other municipality or local board or the staff of any board, commission or public institution established under any Act of the Legislature,

he is entitled, in lieu of a refund of his contributions to the approved pension plan plus any interest thereon, to the pension benefits and any other benefits that would be payable under such plan in respect of his employment with the municipality or local board to the date of such termination as if he had continued in such employment until his death or retirement age, and such municipality or local board shall authorize, on the request of the employee, the transfer of a sum of money equal to the larger of,

- (d) the contributions made by the employee under the approved pension plan, plus any interest thereon; or
- (e) the present value, calculated as of the date of the transfer of such sum of money on the basis of generally accepted actuarial methods, of the pension benefits and any other benefits under the approved pension plan to which the employee is entitled as provided in this subsection,

to any fund or plan maintained to provide pension benefits for members of such civil or civic service or staff of which the employee has become a member, provided that such a transfer is permitted under the terms of the fund or plan to which the transfer is to be made.

- (6) Notwithstanding any general or special Act, where a member of, Transfer to approved pension plan

- (a) the civil service of Ontario or Canada;



- (b) the civic service of any other municipality or local board; or
- (c) the staff of any board, commission or public institution established under any Act of the Legislature,

on or after the 1st day of March, 1948, becomes an employee of a municipality or local board that makes contributions to an approved pension plan and there is a sum of money at the credit of the member in a superannuation or pension fund or plan maintained for members of such civil or civic service, the municipality may accept the transfer of such sum of money and apply it for the benefit of the employee in accordance with the terms of the approved pension plan.

Restriction  
upon  
refund

- (7) Where a sum of money is transferred in accordance with subsection 5 or 6 to a fund or plan and the employee or member is entitled to a refund under such fund or plan, only that portion of the sum so transferred that is attributable to contributions made by the employee or member, as determined by the employer responsible for the administration of the fund or plan from which the sum is transferred, may be refunded to the employee or member, and the remainder shall be credited to the fund or plan to which the sum is transferred.

R.S.O. 1960,  
c. 249, s. 286,  
subs. 2,  
amended

**15.**—(1) Subsection 2 of section 286 of *The Municipal Act*, as amended by subsection 1 of section 10 of *The Municipal Amendment Act, 1960-61*, section 12 of *The Municipal Amendment Act, 1962-63* and section 25 of *The Municipal Amendment Act, 1965*, is further amended by striking out the first six lines and substituting therefor the following:

Projects for  
which cor-  
poration not  
deemed to  
incur debt,  
payment of  
which is not  
provided for  
in estimates

- (2) A corporation shall not be deemed to be incurring a debt, the payment of which is not provided for in the estimates of the current year, when it is a debt payable within the two-year or three-year term for which the council was elected at a biennial or triennial election or with respect to any of the following undertakings, works, projects, schemes, acts, matters or things, except where the whole or any part of the cost thereof is to be provided for by the issue of debentures by any municipality,

SECTION 15—Subsection 1. This is complementary to the amendments to section 53 permitting a three-year term of office.



Subsection 2. The amendment is complementary to section 23 (4) of this Bill and to *The Ambulance Services Act, 1966*.

SECTION 16. The amendment is complementary to the amendment to subsection 2 of section 9 of *The Assessment Act*, which provides for an exemption from business assessment of parking facilities for employees.

SECTION 17. The amendments permit a pre-levy of taxes on business assessment.

SECTION 18. Under subsection 2 of section 303, which governs the application of the proceeds of the sale of debentures, the proceeds are to be applied against the next annual payment of principal and interest. The amendment is to make it clear that the proceeds are applied on the annual payments to reduce the annual levies.

(2) Clause *ma* of subsection 2 of the said section 286, as enacted by section 12 of *The Municipal Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 286, subs. 2, cl. *ma* (1962-63, c. 87, s. 12), re-enacted

(*ma*) agreements respecting the maintenance and operation of ambulances under *The Ambulance Services Act, 1966*, c. ...

**16.** Clause *c* of subsection 2 of section 294 of *The Municipal Act* is amended by adding at the end thereof "and the assessment of lands not liable for business assessment under subsection 2 of section 9 of *The Assessment Act*", so that the clause shall read as follows: R.S.O. 1960, c. 249, s. 294, subs. 2, amended

(*c*) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipe lines and the assessment of telephone and telegraph companies, and the assessment of lands not liable for business assessment under subsection 2 of section 9 of *The Assessment Act*. R.S.O. 1960, c. 23

**17.—**(1) Section 294*a* of *The Municipal Act*, as enacted by section 11 of *The Municipal Amendment Act, 1960-61*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 249, s. 294*a* (1960-61, c. 59, s. 11), amended

(1*a*) Notwithstanding section 294, where the council of a local municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied under section 130 of *The Assessment Act*, the council may, in any year before the adoption of the estimates for that year, levy on the whole of the business assessment according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the preceding year on business assessment of public school supporters. Business assessment R.S.O. 1960, c. 23

(2) Subsection 2 of the said section 294*a* is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 294*a* (1960-61, c. 59, s. 11), subs. 2, re-enacted

(2) Where in any year a levy is made under this section, the amount required to be raised in that year by levy under section 294 shall be reduced by the amount to be raised by the levy under this section. Levy under s. 294 to be reduced

**18.** Clause *b* of subsection 2 of section 303 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 303, subs. 2, cl. *b* re-enacted

- (b) Where no such debentures are redeemable or where the amount is not sufficient to redeem a debenture or where a balance remains after redemption as required by clause *a*, the amount or the balance, as the case may be, shall be applied on the annual payments of principal and interest on the debentures until the amount or the balance, as the case may be, has all been so applied, and the levies required for such purpose shall be reduced accordingly.

R.S.O. 1960,  
c. 249, s. 329,  
subs. 2,  
repealed

**19.**—(1) Subsection 2 of section 329 of *The Municipal Act* is repealed.

R.S.O. 1960,  
c. 249, s. 329,  
subs. 4,  
amended

(2) Subsection 4 of the said section 329 is amended by striking out “after the 30th day of June in any year” in the first line, so that the subsection shall read as follows:

Treasurer  
to furnish  
lender with  
copy of  
by-law,  
etc.

- (4) At the time that any amount is borrowed under this section, the treasurer shall furnish to the lender a copy of the by-law authorizing the borrowing and a statement showing the nature and amount of the estimated revenues of the current year not yet collected or, where the estimates for the year have not been adopted, a statement showing the nature and amount of the estimated revenues of the corporation as set forth in the estimates adopted for the next preceding year, and also showing the total of any amounts borrowed under this section that have not been repaid.

R.S.O. 1960,  
c. 249, s. 329,  
subs. 5,  
amended

(3) Subsection 5 of the said section 329 is amended by striking out “subsections 2 and 3” in the second line and inserting in lieu thereof “subsection 3”, so that the subsection shall read as follows:

Temporary  
application  
of estimates  
of preceding  
year

- (5) Until such estimates are adopted, the limitations upon borrowing prescribed by subsection 3 shall temporarily be calculated upon the estimated revenues of the corporation as set forth in the estimate adopted for the next preceding year.

R.S.O. 1960,  
c. 249, s. 329,  
subs. 6,  
repealed

(4) Subsection 6 of the said section 329 is repealed.

R.S.O. 1960,  
c. 249, s. 330,  
amended

**20.** Section 330 of *The Municipal Act* is amended by adding at the end thereof “up to the total of the amount of the debentures authorized by the Municipal Board and any further amount that has been authorized by the Municipal Board”, so that the section shall read as follows:

Temporary  
advances

330. Where by this or any other Act power is conferred on a corporation to borrow money, it includes, pending the issue and sale of the debentures, the

SECTION 19—Subsection 1. The provision of subsection 2 with respect to a general limit upon borrowings is repealed as it is now covered in subsection 3, which provides a limit on borrowing at any one time.

Subsection 2. The amendment will require the treasurer to furnish the lender, at any time an amount is borrowed, with a copy of the by-law authorizing the borrowing.

Subsection 3. The amendment deletes a reference and is complementary to subsection 1 of this section.

Subsection 4. Subsection 6 is now unnecessary and is repealed.

SECTION 20. This section has been construed as being limited to the amount that the municipality is authorized to borrow, whereas the total cost may include grants or payments out of current funds. The amendment is to make it clear that the borrowing includes the amount of debentures authorized and any further sum authorized by the Board.

SECTION 21. The amendment is complementary to a Bill to amend *The Police Act* in which the Ontario Police Commission is given general control over lock-ups.

SECTION 22—Subsection 1. Paragraph 9 now only refers to establishing air harbours or landing grounds. It is amended to also refer to operation, maintenance and improvement.

Subsection 2. Municipalities are authorized to make grants in aid of the arts.



power to agree with a bank or person for temporary advances from time to time to meet expenditures incurred, up to the total of the amount of the debentures authorized by the Municipal Board and any further amount that has been authorized by the Municipal Board.

**21.** Subsection 1 of section 372 of *The Municipal Act* is amended by adding at the commencement thereof "Subject to the approval of the Ontario Police Commission", so that the subsection shall read as follows: R.S.O. 1960,  
c. 249, s. 372,  
subs. 1,  
amended

- (1) Subject to the approval of the Ontario Police Commission, the council of every local municipality may establish, maintain and regulate lock-up houses for the detention and imprisonment of persons sentenced to imprisonment therein for not more than ten days, and of persons detained for examination on a charge of having committed any offence, or for transfer to any common jail for trial, or in the execution of any sentence, and such persons may be lawfully received and so detained in the lock-up. Lock-up  
houses

**22.—**(1) Paragraph 9 of section 377 of *The Municipal Act*, as re-enacted by subsection 1 of section 26 of *The Municipal Amendment Act, 1965*, is amended by striking out "establishing or for granting aid to the establishment" in the first and second lines and inserting in lieu thereof "establishing, operating, maintaining and improving or for granting aid to the establishment, operation, maintenance and improvement", so that the paragraph, exclusive of the clause, shall read as follows: R.S.O. 1960,  
c. 249, s. 377,  
par. 9  
(1965,  
c. 77, s. 26,  
subs. 1),  
amended

9. For establishing, operating, maintaining and improving or for granting aid to the establishment, operation, maintenance and improvement of air harbours or landing grounds in compliance with the *Air Regulations* (Canada), and for granting aid for aeronautical research work and for the development and general advancement of the science of aeronautics and the use of aircraft, and for entrusting the control and management of any air harbour or landing ground so established to a commission appointed by the council. Establish-  
ment, etc.,  
of air  
harbours  
or landing  
grounds

(2) The said section 377 is amended by adding thereto the following paragraph: R.S.O. 1960,  
c. 249, s. 377,  
amended

- 42a. For making grants in aid of the arts of the theatre, literature, music, painting, sculpture, or architecture or the graphic arts, or any other similar creative or interpretative activity. Aid to  
arts

R.S.O. 1960,  
c. 249, s. 377,  
par. 60,  
cl. b,  
amended

(3) Clause *b* of paragraph 60 of the said section 377 is amended by adding at the end thereof "and the first-mentioned municipality or local board shall pay to the other municipality or local board the amount that would have been paid to the employee if such employee had terminated his employment with such first-mentioned municipality or local board or one-half of the amount of the cumulative sick leave credits placed to the credit of the employee, whichever is the lesser", so that the clause shall read as follows:

Transfer  
of credits

- (b) Where an employee of a municipality or local board that has established a sick leave credit plan under this or any other general or special Act becomes an employee of another municipality or local board that has also established a sick leave credit plan under this or any other general or special Act, the latter municipality or local board shall place to the credit of the employee the sick leave credits standing to the credit of the employee in the plan of the first-mentioned municipality or local board, provided that the amount of such sick leave credits so placed shall not exceed the amount of cumulative sick leave credits permitted under the plan to which the credits are placed, and the first-mentioned municipality or local board shall pay to the other municipality or local board the amount that would have been paid to the employee if such employee had terminated his employment with such first-mentioned municipality or local board or one-half of the amount of the cumulative sick leave credits placed to the credit of the employee, whichever is the lesser.

R.S.O. 1960,  
c. 249, s. 377,  
par. 60,  
amended

(4) Paragraph 60 of the said section 377, as amended by subsection 2 of section 14 of *The Municipal Amendment Act, 1960-61*, is further amended by adding thereto the following clause:

- (d) Any local board may establish a plan of sick leave credit gratuities for employees or any class thereof, and the provisions of this paragraph apply *mutatis mutandis* thereto.

R.S.O. 1960,  
c. 249, s. 377,  
par. 61,  
cl. a,  
amended

(5) Clause *a* of paragraph 61 of the said section 377 is amended by inserting after "of" in the second line "twice", so that the clause shall read as follows:

- (a) No by-law under this paragraph shall authorize contributions by the municipality in excess of twice the total of those made by the employees.

Subsection 3. Under the present legislation, the municipality to which the employee transfers must credit such employee with his sick leave credits that he had with his previous employer to the extent that the plan of the municipality to which he is transferred permits. The amendment will require payment to the municipality or local board to which the employee transfers of the amount that would have been paid if the employee had terminated his employment or one-half of the amount of credit transferred, whichever is the lesser.

Subsection 4. The amendment is to clarify the power of local boards to provide a sick leave credit plan for employees.

Subsection 5. The amendment increases the amount that may be contributed by a municipality for providing group insurance and hospital and medical services from one-half to two-thirds of the cost.

Subsection 6. The amendment is to clarify the power of local boards to provide insurance and medical services, etc., for employees.

Subsection 7. The amendment increases the amount that may be contributed by a municipality toward the cost of a plan of hospital care insurance provided under *The Hospital Services Commission Act*.

Subsection 8. The amendment is to clarify the power of local boards to contribute toward the cost to employees of a plan of hospital care insurance under *The Hospital Services Commission Act*.

Subsection 9. The amendment makes a staggered term of office permissible for parking authorities.

Subsection 10. The provisions under this heading have been so extensively amended that the present title "*War Memorials and Patriotic Objects*" is inappropriate.

Subsection 11. The amendment is complementary to Bill 45, which provides for the provincial licensing of nursing homes.



(6) Paragraph 61 of the said section 377 is amended by adding thereto the following clause: R.S.O. 1960,  
c. 249, s. 377,  
par. 61,  
amended

- (c) Any local board may provide insurance and hospital, medical, surgical, nursing or dental services and payment therefor in the same manner and for the same classes of persons as the council of a municipality, and the provisions of this paragraph apply *mutatis mutandis* thereto.

(7) Clause *a* of paragraph 62 of the said section 377 is amended by striking out "the total" in the second and third lines and inserting in lieu thereof "twice the total of those", so that the clause shall read as follows: R.S.O. 1960,  
c. 249, s. 377,  
par. 62,  
cl. a,  
amended

- (a) No by-law under this paragraph shall authorize contributions by the municipality in excess of twice the total of those made by the employees.

(8) Paragraph 62 of the said section 377 is amended by adding thereto the following clause: R.S.O. 1960,  
c. 249, s. 377,  
par. 62,  
amended

- (c) Any local board may contribute toward the cost to employees of the plan of hospital care insurance provided for under *The Hospital Services Commission Act*, and the provisions of this paragraph apply *mutatis mutandis* thereto. R.S.O. 1960,  
c. 176

(9) Paragraph 68 of the said section 377 is amended by adding thereto the following clause: R.S.O. 1960,  
c. 249, s. 377,  
par. 68,  
amended

- (aa) The by-law establishing a parking authority or a subsequent by-law may provide for a staggered system of appointments, in which case, on the first appointment of members after the passing of the by-law, one member shall be appointed to hold office for one year, one for two years and one for three years, and thereafter all appointments shall be for a period of three years. Staggered  
system of  
appoint-  
ments

(10) The said section 377 is further amended by striking out the heading immediately preceding paragraph 69 and substituting therefor the following: R.S.O. 1960,  
c. 249, s. 377,  
amended

### *Special Undertakings*

(11) Clause *a* of paragraph 71 of the said section 377, as enacted by subsection 4 of section 26 of *The Municipal Amendment Act, 1965*, is amended by inserting after "hospital" in the fifth line "nursing home", so that the clause shall read as follows: R.S.O. 1960,  
c. 249, s. 377,  
par. 71  
(1965),  
c. 77, s. 26,  
subs. 4),  
cl. a,  
amended



- (a) In this paragraph, "lodging house" means a nursing home and any house or other building or portion thereof in which persons are harboured, received or lodged for hire, but does not include a hotel, hospital, nursing home, home for the young or the aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under any other general or special Act.

R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
amended

**23.**—(1) Subsection 1 of section 379 of *The Municipal Act* is amended by adding thereto the following paragraph:

Prohibiting  
incinerators  
in certain  
buildings

- 43a. For prohibiting the installation, use and maintenance of incinerators for the burning of garbage or other refuse in any class or classes of buildings erected after the 1st day of September, 1966.

R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
par. 52,  
amended

(2) Paragraph 52 of subsection 1 of the said section 379, as amended by subsection 4 of section 42 of *The Municipal Amendment Act, 1961-62*, is further amended by adding thereto the following clause:

Land of  
certain  
school  
boards

- (g) Land in the municipality of any school board that has jurisdiction in any other municipality or territory without municipal organization is liable to be specially assessed for the completion, improvement, alteration, enlargement or extension of any public utility undertaking under this section.

R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
par. 54,  
amended

(3) Paragraph 54 of subsection 1 of the said section 379 is amended by inserting after "the" in the first line and in the fourth line "owners or", so that the paragraph shall read as follows:

Removal of  
snow and  
ice from  
roofs and  
sidewalks of  
occupied  
premises

54. For requiring the owners or occupants of any designated class of building in the municipality or any defined area thereof to clear away and remove snow and ice from the roofs of such buildings and for requiring the owners or occupants of any designated class of building in the municipality or any designated area thereof to clear away and remove snow and ice from the sidewalks on the highways in front of, alongside or at the rear of such buildings and for regulating when and the manner in which the same shall be done.

R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
pars. 88b,  
88c  
(1962-63,  
c. 87, s. 16,  
subs. 3),  
repealed

(4) Paragraphs 88b and 88c of subsection 1 of the said section 379, as enacted by subsection 3 of section 16 of *The Municipal Amendment Act, 1962-63*, are repealed.

SECTION 23—Subsection 1. Local municipalities are authorized to pass by-laws prohibiting incinerators in certain buildings.

Subsection 2. The amendment is complementary to the amendment to section 61 of *The Local Improvement Act* making school boards that have jurisdiction in more than one municipality liable for local improvement rates. This amendment makes such boards liable for special rates for public utility undertakings that are comparable to local improvements.

Subsection 3. The existing legislation enables the council to compel only the occupants to clear roofs or to remove snow and ice from sidewalks. The amendment makes the provision apply to owners as well as occupants.

Subsection 4. The provisions repealed provide authority for local municipalities to pass by-laws for the provision of ambulance services. These provisions are transferred to *The Ambulance Services Act, 1966*. See Bill 137.

Subsection 5. As the legislation now stands, it permits voluntary payment of fines only for parking when parking is prohibited. In 1965, "standing or stopping when prohibited" was defined in an amendment to *The Highway Traffic Act*. The amendment extends the provision to standing and stopping.

Subsection 6. Local municipalities are authorized to pass by-laws for prohibiting the driving of vehicles having a greater width than that prescribed in the by-law on any highway that has a width of 14 feet or less.

SECTION 24. Subsection 2 is revised for the purposes of clarification.

Section 25. Local municipalities are authorized to pass by-laws for accepting conveyances of lands in a registered subdivision for use as water canals and are also authorized to provide for the cleaning and maintenance of such canals and to regulate their use.

(5) Clause *a* of paragraph 105 of subsection 1 of the said section 379 is amended by inserting after "parking" in the third line "standing or stopping", so that the clause shall read as follows:

R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
par. 105,  
cl. *a*,  
amended

- (a) A by-law under this paragraph may provide a procedure for the voluntary payment of penalties out of court in cases where it is alleged that the parking, standing or stopping provisions of the by-law have been contravened, and, if payment is not made in accordance with the procedure, subsection 2 of section 482 applies.

Expeditious  
procedures  
authorized  
for parking,  
standing or  
stopping  
offences

(6) Subsection 1 of the said section 379 is further amended by adding thereto the following paragraph:

R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
amended

- 105b. Subject to *The Highway Traffic Act*, for designating any highway or highways having a width of 14 feet or less and for prohibiting the driving of vehicles having greater widths than those prescribed in the by-law on such highway or highways.

Limiting  
width of  
vehicles on  
certain  
highways  
R.S.O. 1960,  
c. 172

- (a) No such by-law is effective in respect of a highway so designated unless there is erected at each entrance thereto a sign clearly indicating the limitation on the width of vehicles permitted on such highway.

**24.** Subsection 2 of section 379*e* of *The Municipal Act*, as enacted by section 29 of *The Municipal Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 249, s. 379*e*  
(1965,  
c. 77, s. 29),  
subs. 2,  
re-enacted

- (2) The special charge or charges under any by-law shall refer specifically to sewage works or water works as defined in section 380, or to both, as the case may be.

Charges to  
refer to  
specific  
works

**25.** *The Municipal Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 249,  
amended

**379f.** By-laws may be passed by the councils of local municipalities:

1. For accepting a conveyance of lands in a registered plan of subdivision used or intended to be used for or in connection with water canals and, when such lands have been conveyed, for cleaning, dredging and maintaining such canals, and providing and maintaining equipment for the circulation of water in them,

Water  
canals in  
subdivisions



and for defining an area and providing that the cost of such cleaning, dredging, maintenance and equipment and maintenance thereof shall be levied on the rateable property in the area, and the by-law may provide that the whole or part of such cost shall be assessed upon the lots abutting on such canals according to the frontage thereof, and, where only part of such cost is assessed on the lots abutting such canals, the balance of the cost shall be assessed and levied on the rateable property in the area.

Regulating  
use

2. For regulating and governing the use of water canals and for limiting the speed at which any boat or other vessel may travel in such canals.

Docks and  
slips

3. For permitting the owners or lessees of lots abutting water canals conveyed to the municipality to construct, maintain and use docks or slips in such canals and for making such annual or other charge for the privilege conferred by the by-law as the council may deem reasonable, and for providing that, upon the termination of such privilege, the canal shall be restored to its former condition at the expense of the owner or lessee of the land to which the privilege is appurtenant by removing the dock or slip or otherwise as may be required by the by-law.

(a) Such annual or other charge and any expense incurred by the corporation in restoring the water canal to its former condition is payable and payment of it may be enforced in like manner as taxes are payable and payment of them may be enforced.

(b) The corporation is not liable for damages that may result from the construction, maintenance and use of any such dock or slip.

R.S.O. 1960,  
c. 249, s. 380  
(1962-63,  
c. 87, s. 17),  
amended

**26.** Section 380 of *The Municipal Act*, as re-enacted by section 17 of *The Municipal Amendment Act, 1962-63* and amended by section 11 of *The Municipal Amendment Act, 1964*, is further amended by adding thereto the following subsection:



SECTION 26. The amendment is complementary to an amendment to section 61 of *The Local Improvement Act* making school boards that have jurisdiction in more than one municipality liable for local improvement rates. The amendment makes such boards liable to sewer and water works rates and sewage service rates that are comparable to local improvements.

SECTION 27. Self-explanatory.

SECTION 28. The expense allowance is now limited to one-third of the salary, but not exceeding \$2,000. The amendment deletes the \$2,000 limitation.

- (21) A school board that has jurisdiction in the municipality and in any other municipality or territory without municipal organization is liable to a sewer rate or a water works rate imposed under subsection 2 or 10 and to a sewage service rate imposed under subsection 15. Liability of school boards

**27.**—(1) Paragraph 2 of section 384 of *The Municipal Act* is amended by striking out "Ontario" in the fourth line and inserting in lieu thereof "Canada", so that the paragraph shall read as follows: R.S.O. 1960, c. 249, s. 384, par. 2, amended

2. For endowing fellowships, scholarships or exhibitions, and other similar prizes, in the University of Toronto, or in Upper Canada College, or in any other university or college in Canada, for competition among the pupils of the collegiate institutes, high schools and continuation schools in the municipality. Endowing fellowships, etc., in universities and colleges

(2) Paragraph 5 of the said section 384 is amended by striking out "Ontario" in the fourth line and inserting in lieu thereof "Canada", so that the paragraph shall read as follows: R.S.O. 1960, c. 249, s. 384, par. 5, amended

5. For making permanent provision for defraying the expenses of the attendance at the University of Toronto, or at Upper Canada College, or at any other university or college in Canada, of such of the pupils of any collegiate institute, high school or continuation school of the municipality as are unable to incur the expense, but are desirous of and in the opinion of the head master thereof possess competent attainments for competing for any scholarship, exhibition or other similar prize offered by such university or college. Supporting certain pupils at universities, colleges, etc.

**28.** Section 408 of *The Municipal Act* is amended by striking out "but not exceeding \$2,000" in the seventh line, so that the section shall read as follows: R.S.O. 1960, c. 249, s. 408, amended

408. Notwithstanding the other provisions of this Act or any other general or special Act, where an elected member of a council of a municipality or a local board, as defined in *The Department of Municipal Affairs Act*, is, under a by-law or resolution of the council or such local board, paid a salary, indemnity, allowance or other remuneration, one-third of such amount shall be deemed to be for expenses incident to the discharge of his duties as a member of the council or such local board. Expense allowance  
R.S.O. 1960, c. 98

R.S.O. 1960,  
c. 249, s. 410,  
cl. b,  
subcl. ii,  
amended

**29.**—(1) Subclause ii of clause *b* of section 410 of *The Municipal Act* is amended by striking out “2,500” and inserting in lieu thereof “5,000”, so that the subclause shall read as follows:

(ii) in the case of a county ..... 5,000

Expense  
limits not  
applicable  
in 1967

(2) During Centennial Year 1967, the council of a municipality is not limited to the amounts set out in subclauses i and ii of clause *b* of section 410 of *The Municipal Act*.

R.S.O. 1960,  
c. 249, s. 411,  
subs. 2  
(1964,  
c. 68, s. 13),  
amended

**30.** Subsection 2 of section 411 of *The Municipal Act*, as re-enacted by section 13 of *The Municipal Amendment Act, 1964*, is amended by striking out “a sum not exceeding \$60,000” in the fifth line and inserting in lieu thereof “such sum as it may determine”, so that the subsection shall read as follows:

Expenditures  
for publicity

(2) The council of a municipality may, by a vote of three-fourths of all the members of the council or, in the case of a county, by a vote of three-fourths of the voting strength of the council, expend in any year such sum as it may determine for the purpose of paying any expenses of its department and commissioner of industries, if any, and for the purpose of diffusing information respecting the advantages of the municipality as an industrial, business, educational, residential or vacation centre.

R.S.O. 1960,  
c. 249, s. 459,  
amended

**31.** Section 459 of *The Municipal Act*, as amended by section 49 of *The Municipal Amendment Act, 1961-62* and section 32 of *The Municipal Amendment Act, 1965*, is further amended by adding thereto the following subsection:

Registration  
of by-laws

(9) A by-law passed under subsection 1, or any predecessor of subsection 1, for closing any street, road or highway or for opening upon any private property any street, road or highway does not take effect until it has been registered in the registry office of the registry division in which the land is situate, and the by-law shall be registered without further proof by depositing a copy certified under the hand of the clerk and the seal of the municipality.

R.S.O. 1960,  
c. 249, s. 462,  
subs. 1,  
cl. a,  
amended

**32.** Clause *a* of subsection 1 of section 462 of *The Municipal Act* is amended by striking out “township” in the third line and inserting in lieu thereof “of a township with a population of less than 40,000”, so that the clause shall read as follows:

SECTION 29. The amount that counties may spend under section 410 for travelling and other expenses is increased from \$2,500 to \$5,000.

Subsection 2 provides that the limits on travelling and other expenses of members of council are not applicable in the year 1967.

SECTION 30. The limit of \$60,000 for expenditures for publicity is removed.

SECTION 31. These provisions are transferred from subsection 1 of section 75 of *The Registry Act*.

SECTION 32. The amendment relieves townships having a population of 40,000 or more of the requirement of posting notice of a by-law for stopping up or altering a highway.



SECTION 33. Paragraph 3, as revised, involves two changes:

- (1) At present, a municipality may permit an owner of land abutting on one side of a highway to construct a bridge or structure over or under the highway for the purpose of access to land owned by him on the other side. This provision is extended to lessees.
- (2) Municipalities are authorized to permit the use of heating devices on or under sidewalks.

- (a) notice of the proposed by-law shall be published at least once a week for four successive weeks, and in the case of a village or of a township with a population of less than 40,000 shall be posted up for at least one month in six of the most public places in the immediate neighbourhood of the highway or proposed highway; and

**33.** Paragraph 3 of section 469 of *The Municipal Act*, as amended by section 33 of *The Municipal Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 249, s. 469,  
par. 3,  
re-enacted

3. For permitting the owners of land to make, maintain and use areas under and openings to them in the highways and sidewalks and for permitting the owners or lessees of land abutting on one side of a highway to construct, maintain and use a bridge or other structure over, across or under the highway for the purpose of access to land on the other side of the highway, which any such owner or lessee owns or leases or in respect of which he has a licence of occupation, and for permitting the owners of land to maintain and use signs and other advertising devices that project over the sidewalks, movable receptacles containing plants, shrubs or trees over or upon the sidewalks and canopies that project over the sidewalks, and for permitting the owners or lessees of land to install, maintain and use heating devices in, under, over or upon the sidewalks, and for prescribing the terms and conditions upon which the same shall be made, constructed, installed, maintained and used and for making such annual or other charge for the privilege conferred by the by-law as the council may deem reasonable, and for providing that, upon the termination of such privilege, the highway shall be restored to its former condition at the expense of the owner or lessee of the land, to which the privilege is appurtenant, by filling in the area or opening, removing the bridge, structure, sign or other advertising device, receptacle, canopy or heating device or otherwise as may be required by the by-law.

Use of  
highways  
by owners  
and lessees  
of abutting  
lands

- (a) Such annual or other charge and any expense incurred by the corporation in restoring the highway to its former condition is payable

Charge

and payment of it may be enforced in like manner as taxes are payable and payment of them may be enforced.

Liability of  
corporation  
for damages

- (b) The corporation is liable for any want of repair of the highway that may result from the construction, installation, maintenance and use of any such area or opening, bridge or structure, sign or advertising device, receptacle, canopy or heating device, but is entitled to the remedy over provided for by section 450 against the person by whose act or omission the want of repair is caused.

R.S.O. 1960,  
c. 249,  
amended

**34.** *The Municipal Act* is amended by adding thereto the following section:

**469a.** By-laws may be passed by the council of every local municipality:

Leasing of  
untravelled  
portions of  
highways

1. For leasing or licensing the use of untravelled portions of highways under the jurisdiction of the council, except highways that are extensions or connecting links of the King's Highway, within those portions of the municipality in which land may be used for commercial or industrial purposes, to the owners or occupants of adjoining property for such consideration and upon such terms and conditions as may be agreed.
2. For regulating and controlling the use, including the use for parking purposes, of untravelled portions of highways under the jurisdiction of the council that are not extensions or connecting links of the King's Highway, which are leased or in respect of which a licence is granted under paragraph 1.

Use of  
untravelled  
portions of  
highways  
under lease

R.S.O. 1960,  
c. 249, s. 473,  
subs. 4,  
cl. c,  
re-enacted

**35.** Clause *c* of subsection 4 of section 473 of *The Municipal Act* is repealed and the following substituted therefor:

- (c) authorizing and regulating the planting, with the consent of the owner, of shade or ornamental trees within eight feet of any highway at the expense of the municipality, provided that any tree planted under the authority of any such by-law is the property of the owner of the land in which it is planted, and the municipality is not liable for maintenance or otherwise in respect of any tree so planted.

**SECTION 34. Self-explanatory.**

**SECTION 35.** At present, authority exists only to plant trees on the highway or to provide a bonus to owners for planting trees within six feet of the highway. The bonus system is deleted and municipalities are empowered to plant these trees at municipal expense with the consent of the owner of the land.

SECTION 36. This amendment is to permit an improvement district to have an elected public school board and to provide that the board of trustees is not the school board if the improvement district is included in a county or district school area or a township school area that includes the whole or part of another municipality.

SECTION 37. The amendment is to bring the form of the oath to be administered by a voter into line with recent amendments to *The Assessment Act* and *The Municipal Act*.

Subsection 38. The forms are complementary to amendments to section 236.



**36.** Subsection 5 of section 522 of *The Municipal Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 249, s. 522  
subs. 5,  
re-enacted

- (5) Except where otherwise provided by the Municipal Board, the members of the board, with respect to the improvement district, shall be the members of every local board within the meaning of *The Department of Municipal Affairs Act*, except a local board of health, a separate school board, a high school board of a high school district established under subsection 4 of section 12 of *The Secondary Schools and Boards of Education Act*, or a board of a county or district school area or a board of a township school area that includes the whole or part of another municipality or territory without municipal organization.

Board  
deemed to  
be local  
boards

R.S.O. 1960,  
cc. 98, 362

**37.** Form 12 of *The Municipal Act* is amended by striking out the first paragraph of clause *c* of item 9 and substituting therefor the following:

R.S.O. 1960,  
c. 249,  
Form 12,  
amended

(*c*) In the case of a person claiming to vote in respect of a freehold estate, insert here, "At the date of this election you are in your own right (or you reside in or within five miles of the municipality and your wife is in her own right or you reside in or within five miles of the municipality and your husband is in his own right) owner of land within this polling subdivision (or, in case of a ward not divided into polling subdivisions, "within this ward").

**38.** Form 20 of *The Municipal Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 249,  
Form 20,  
re-enacted

## FORM 20

### (Section 236 (1) )

#### DECLARATION OF ELECTED OFFICE

I, ....., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of ..... to which I have been elected in this municipality, that I have not received and will not receive any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of such office, that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the corporation, that I am not a shareholder with a controlling interest in or a director, manager, secretary, treasurer, secretary-treasurer or agent of an incorporated company having dealings or a contract with the corporation, and that I will disclose any pecuniary interest, direct or indirect, that I may have in any proposed contract with the corporation or in any other matter in which the (city, town, etc.) of ..... is concerned.

## FORM 20a

(Section 236 (2) )

## DECLARATION OF APPOINTED OFFICE

I, ....., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*insert name of office, or offices in the case of a person who has been appointed to two or more offices that he may lawfully hold at the same time*), that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the offices to which I have been appointed in this municipality, that I have not received and will not receive any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of such office (*or offices*), and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the corporation except that arising out of my office as clerk (*or my office as assessor or collector, as the case may be*).

Commence-  
ment

**39.**—(1) This Act, except subsection 2 of section 15, section 16, subsections 4, 6 and 8 of section 22, subsections 2 and 4 of section 23 and sections 26, 28 and 31, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 4 of section 22 shall be deemed to have come into force on the 5th day of April, 1946.

Idem

(3) Subsection 6 of section 22 shall be deemed to have come into force on the 6th day of April, 1954.

Idem

(4) Subsection 8 of section 22 shall be deemed to have come into force on the 26th day of March, 1959.

Idem

(5) Section 28 shall be deemed to have come into force on the 1st day of January, 1966.

Idem

(6) Section 16, subsection 2 of section 23 and sections 26 and 31 come into force on the 1st day of January, 1967.

Idem

(7) Subsection 2 of section 15 and subsection 4 of section 23 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**40.** This Act may be cited as *The Municipal Amendment Act, 1966*.



An Act to amend The Municipal Act

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*1st Reading*

June 27th, 1966

*2nd Reading*

*3rd Reading*

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MR. SPOONER

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# **BILL 192**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act to amend The Municipal Act**

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**MR. SPOONER**

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BILL 192

1966

## An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 11 of *The Municipal Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 249, s. 11,  
subs. 4,  
re-enacted

- (4) Upon the application of a village or township having a population of not less than 2,000, the Municipal Board may erect the village or township into a town.

Erection of  
village or  
township  
into town

2. Subsection 10 of section 14 of *The Municipal Act*, as amended by section 3 of *The Municipal Amendment Act, 1965*, is further amended by adding thereto the following clauses:

R.S.O. 1960,  
c. 249, s. 14,  
subs. 10,  
amended

- (fa) vest real property of either municipality or a local board thereof in the other municipality or a local board thereof and take any such vesting into consideration in the adjustments of assets and liabilities;

- (ia) where by reason of annexation orders made under this section within any three-year period the taxable assessment of a local municipality is reduced by not less than a total of 15 per cent as shown by the last revised assessment rolls prior to the effective date of each of such annexations, and no order has been made under clause *i*, authorize and direct the payment to such municipality or to a school board thereof by the annexing municipality or a school board thereof, to relieve such municipality or school board from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the last annexation in such amounts and manner as may be agreed upon between the municipalities and

the school boards and approved by the Municipal Board or, failing agreement, as the Municipal Board may deem equitable after a public hearing in each case.

R.S.O. 1960,  
c. 249,  
amended

**3.** *The Municipal Act* is amended by adding thereto the following section:

Notice by  
Minister  
to Municipal Board  
to stay  
proceedings

- 25a. When the Minister institutes an inquiry into the structure, organization and methods of operation of one or more municipalities, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications made under this Part should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

R.S.O. 1960,  
c. 249, s. 31,  
amended

**4.** Section 31 of *The Municipal Act* is amended by adding thereto the following subsections:

Villages  
and town-  
ships with  
population  
of 10,000  
or more

- (1a) If a village or township in a county has a population of not less than 10,000, the council may by by-law provide that the council shall be composed of a reeve, a deputy reeve, where so entitled, and a sufficient number of councillors to make up seven in all to be elected by general vote.

Time for  
passing  
by-law

- (1b) A by-law for the purpose mentioned in subsection 1a and a by-law repealing any such by-law shall not be passed later in the year than the 1st day of November and shall take effect at and for the purpose of the municipal election next after the passing of it.

R.S.O. 1960,  
c. 249, s. 32,  
re-enacted

**5.** Section 32 of *The Municipal Act* is repealed and the following substituted therefor:

Councils of  
villages and  
townships in  
unorganized  
territory

- 32.—(1) In unorganized territory, the council of a village and the council of a township shall consist of a reeve and four councillors to be elected by general vote.

Where  
population  
of 2,000  
or more

- (2) If the village or township has a population of not less than 2,000, the council may provide that the council shall consist of a reeve and six councillors, a reeve and seven councillors or a reeve and nine councillors.

Election  
by wards

- (3) If the village or township has been divided into wards, the council may provide that the council shall consist of a mayor and one councillor for each ward and the

remaining councillors to complete the full number of four, six, seven or nine, as the case may be, to be elected by general vote.

**6.** Subsection 3 of section 35 of *The Municipal Act*, as amended by section 3 of *The Municipal Amendment Act, 1960-61* and subsections 2 and 4 of section 3 of *The Municipal Amendment Act, 1961-62*, is further amended by adding thereto the following clause:

R.S.O. 1960,  
c. 249, s. 35,  
subs. 3,  
amended

- (m) of his having made a deposit with the corporation or with any local board thereof, the whole or part of which is or may be returnable to him in like manner as such a deposit is or may be returnable to all other ratepayers.

**7.** Section 36 of *The Municipal Act* is amended by striking out "void" in the fifth line and inserting in lieu thereof "voidable at the instance of the municipality or a municipal elector thereof", so that the section shall read as follows:

R.S.O. 1960,  
c. 249, s. 36,  
amended

36. If a member of a council in his own name or in that of another and alone or jointly with another enters into a contract with or makes a purchase from or a sale to the corporation, the contract, purchase or sale as against the corporation is voidable at the instance of the municipality or a municipal elector thereof.

Contracts  
by members  
with cor-  
poration  
to be  
voidable

**8.—(1)** Section 53 of *The Municipal Act* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 249, s. 53,  
amended

- (5a) Notwithstanding any general or special Act, the council of a local municipality may by by-law provide that thereafter the term of office of members of council of the municipality shall be three years, and all the members of council elected at the election next after the passing of the by-law and thereafter shall hold office for a three-year term.

Triennial  
elections

(2) Subsection 6 of the said section 53 is amended by inserting after "1" in the second line "or 5a".

R.S.O. 1960,  
c. 249, s. 53,  
subs. 6,  
amended

(3) Subsection 7 of the said section 53 is amended by adding thereto the following clause:

R.S.O. 1960,  
c. 249, s. 53,  
subs. 7,  
amended

- (c) where the by-law under subsection 5a provides for triennial elections, shall be passed in the year in which the by-law under subsection 5a is passed or in any year in which a nomination meeting is to be held in respect of a triennial election.



R.S.O. 1960,  
c. 249, s. 53,  
subs. 8,  
amended

(4) Subsection 8 of the said section 53 is amended by inserting after "1" in the first line "or 5a".

R.S.O. 1960,  
c. 249, s. 53,  
subs. 9,  
re-enacted

(5) Subsection 9 of the said section 53 is repealed and the following substituted therefor:

Repeal

(9) Subject to section 54, where a by-law passed under subsection 1 or 5a is repealed, the members of the council and, where the power conferred by subsection 6 has been exercised, the elected members of any local board affected cease to hold office,

(a) where the staggered system of elections has been provided, at the end of the two-year term of office of the mayor, the reeve and the deputy reeve or deputy reeves;

(b) where biennial or triennial elections have been provided, at the end of the two-year or three-year term of office, as the case may be,

and an election shall be held for the members of council and of such local board for the ensuing year and thereafter as if the by-law had not been passed under subsection 1 or 5a.

R.S.O. 1960,  
c. 249, s. 90,  
amended

9.—(1) Section 90 of *The Municipal Act* is amended by adding thereto the following subsection:

Petition  
to hold  
poll on  
Saturday

(1a) When a petition, which according to the certificate of the clerk of the municipality is signed by not less than 10 per cent of the persons qualified to vote on money by-laws, is presented to the council of a local municipality at least seventy-five days before the day fixed for polling requesting the council to pass a by-law for providing advance polls, for the purposes set out in subsection 1, on a Saturday, excepting a Saturday that falls on the 24th, 25th or 31st day of December, the council shall pass a by-law in accordance with the petition.

R.S.O. 1960,  
c. 249, s. 90,  
subs. 2,  
amended

(2) Subsection 2 of the said section 90 is amended by inserting after "1" in the first line "or 1a".

R.S.O. 1960,  
c. 249, s. 207,  
subs. 4,  
repealed

10. Subsection 4 of section 207 of *The Municipal Act* is repealed.

R.S.O. 1960,  
c. 249, s. 215,  
amended

11. Section 215 of *The Municipal Act* is amended by adding thereto the following subsection:



- (4) Notwithstanding subsection 1, on the request of the Archivist of Ontario, the council may permit the originals of by-laws no longer in force or the operation of which is spent or of minutes of the proceedings of the council to be kept by the Archivist instead of the clerk, provided that a photographic copy of all such documents is kept by the clerk.

**12.** Subsection 2 of section 228 of *The Municipal Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 249, s. 228,  
subs. 2,  
re-enacted

- (2) Where a local board is a local board of more than one municipality, the accounts and transactions thereof shall be audited by an auditor of the municipality that is liable for a larger portion of the operating costs of the local board than any other municipality, and, in the event of disagreement as to the proper auditor, the matter may be determined by the Department on the application of any municipality of which the local board in question is a local board.

Where  
board is  
local board  
of more  
than one  
municipality

**13.** Subsection 1 of section 236 of *The Municipal Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 249, s. 236,  
subs. 1,  
re-enacted

- (1) Every member of a council, trustee of a police village and public utility commissioner, before entering on the duties of his office, shall make and subscribe a declaration of office (Form 20).

Declaration  
of office  
of members  
of council,  
etc.

- (1a) Every clerk, treasurer, assessment commissioner, assessor, collector, engineer, commissioner of industries, clerk of works and street overseer or commissioner, before entering on the duties of his office, shall make and subscribe a declaration of office (Form 20a).

Municipal  
officers

**14.** Section 248c of *The Municipal Act*, as enacted by section 10 of *The Municipal Amendment Act, 1962-63* and amended by section 21 of *The Municipal Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 249, s. 248c,  
(1962-63,  
c. 87, s. 10),  
re-enacted

248c.—(1) In this section,

Interpre-  
tation

- (a) "approved pension plan" means a pension, superannuation or benefit fund or plan to which a municipality or local board makes contribution under any general or special Act, except *The Public Service Superannuation Act*, *The Teachers' Superannuation Act* and *The Ontario Municipal Employees Retirement System Act, 1961-62*;

R.S.O. 1960,  
cc. 332, 392  
1961-62,  
c. 97

(b) "employee" means an employee as defined in paragraph 59 of section 377;

(c) "local board" means a local board as defined in paragraph 59 of section 377;

(d) "service" means employment of an employee, and "credited service" means service under an approved pension plan for which a pension is payable;

(e) "year's maximum pensionable earnings" means the Year's Maximum Pensionable Earnings as defined in the *Canada Pension Plan*.

1965, c. 51  
(Can.)

Termination  
of approved  
pension plan

(2) Subject to the approval of the Department, a municipality or local board that makes contribution to an approved pension plan may discontinue contributions to or terminate the provisions of such plan or may transfer the assets thereof to another such plan or to the Ontario Municipal Employees Retirement Fund.

Amendment  
of approved  
pension plan

(3) Notwithstanding any general or special Act, the terms and conditions of an approved pension plan shall not be altered, amended or repealed without the approval of the Department.

Maximum  
pension  
benefit

(4) Notwithstanding any general or special Act, a municipality or local board shall not make a contribution for the provision of a pension with respect to an employee under an approved pension plan or under *The Ontario Municipal Employees Retirement System Act, 1961-62* that is in excess of an annual amount of 2 per cent of his average annual earnings during the sixty consecutive months during which his earnings as an employee were highest multiplied by the number of years of his service up to thirty-five years and reduced by 0.7 per cent of the lesser of such average annual earnings or the year's maximum pensionable earnings established at the time he ceased to be employed by the municipality or local board multiplied by the number of years of credited service of the employee after the 1st day of January, 1966, but this subsection does not apply so as to reduce any benefit provided under the terms and conditions of an approved pension plan in force on the 31st day of December, 1965.

1961-62,  
c. 97

- (5) Notwithstanding any general or special Act, where an employee on or after the 1st day of March, 1948, <sup>Transfer from approved pension plan</sup>

- (a) has been contributing to an approved pension plan;
- (b) terminates his employment with the municipality or local board; and
- (c) without intervening employment becomes a member of the civil service of Ontario or Canada, the civic service of any other municipality or local board or the staff of any board, commission or public institution established under any Act of the Legislature,

he is entitled, in lieu of a refund of his contributions to the approved pension plan plus any interest thereon, to the pension benefits and any other benefits that would be payable under such plan in respect of his employment with the municipality or local board to the date of such termination as if he had continued in such employment until his death or retirement age, and such municipality or local board shall authorize, on the request of the employee, the transfer of a sum of money equal to the larger of,

- (d) the contributions made by the employee under the approved pension plan, plus any interest thereon; or
- (e) the present value, calculated as of the date of the transfer of such sum of money on the basis of generally accepted actuarial methods, of the pension benefits and any other benefits under the approved pension plan to which the employee is entitled as provided in this subsection,

to any fund or plan maintained to provide pension benefits for members of such civil or civic service or staff of which the employee has become a member, provided that such a transfer is permitted under the terms of the fund or plan to which the transfer is to be made.

- (6) Notwithstanding any general or special Act, where <sup>Transfer to approved pension plan</sup> a member of,

- (a) the civil service of Ontario or Canada;



(b) the civic service of any other municipality or local board; or

(c) the staff of any board, commission or public institution established under any Act of the Legislature,

on or after the 1st day of March, 1948, becomes an employee of a municipality or local board that makes contributions to an approved pension plan and there is a sum of money at the credit of the member in a superannuation or pension fund or plan maintained for members of such civil or civic service, the municipality may accept the transfer of such sum of money and apply it for the benefit of the employee in accordance with the terms of the approved pension plan.

Restriction  
upon  
refund

- (7) Where a sum of money is transferred in accordance with subsection 5 or 6 to a fund or plan and the employee or member is entitled to a refund under such fund or plan, only that portion of the sum so transferred that is attributable to contributions made by the employee or member, as determined by the employer responsible for the administration of the fund or plan from which the sum is transferred, may be refunded to the employee or member, and the remainder shall be credited to the fund or plan to which the sum is transferred.

R.S.O. 1960,  
c. 249, s. 286,  
subs. 2,  
amended

**15.—**(1) Subsection 2 of section 286 of *The Municipal Act*, as amended by subsection 1 of section 10 of *The Municipal Amendment Act, 1960-61*, section 12 of *The Municipal Amendment Act, 1962-63* and section 25 of *The Municipal Amendment Act, 1965*, is further amended by striking out the first six lines and substituting therefor the following:

Projects for  
which cor-  
poration not  
deemed to  
incur debt,  
payment of  
which is not  
provided for  
in estimates

- (2) A corporation shall not be deemed to be incurring a debt, the payment of which is not provided for in the estimates of the current year, when it is a debt payable within the two-year or three-year term for which the council was elected at a biennial or triennial election or with respect to any of the following undertakings, works, projects, schemes, acts, matters or things, except where the whole or any part of the cost thereof is to be provided for by the issue of debentures by any municipality,

(2) Clause *ma* of subsection 2 of the said section 286, as enacted by section 12 of *The Municipal Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 286, subs. 2, cl. *ma* (1962-63, c. 87, s. 12), re-enacted

(*ma*) agreements respecting the maintenance and operation of ambulances under *The Ambulance Services Act, 1966*, c. 7

**16.** Clause *c* of subsection 2 of section 294 of *The Municipal Act* is amended by adding at the end thereof "and the assessment of lands not liable for business assessment under subsection 2 of section 9 of *The Assessment Act*", so that the clause shall read as follows: R.S.O. 1960, c. 249, s. 294, subs. 2, cl. *c*, amended

(*c*) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipe lines and the assessment of telephone and telegraph companies, and the assessment of lands not liable for business assessment under subsection 2 of section 9 of *The Assessment Act*. R.S.O. 1960, c. 23

**17.—**(1) Section 294*a* of *The Municipal Act*, as enacted by section 11 of *The Municipal Amendment Act, 1960-61*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 249, s. 294*a* (1960-61, c. 59, s. 11), amended

(1*a*) Notwithstanding section 294, where the council of a local municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied under section 130 of *The Assessment Act*, the council may, in any year before the adoption of the estimates for that year, levy on the whole of the business assessment according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the preceding year on business assessment of public school supporters. Business assessment R.S.O. 1960, c. 23

(2) Subsection 2 of the said section 294*a* is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 294*a* (1960-61, c. 59, s. 11), subs. 2, re-enacted

(2) Where in any year a levy is made under this section, the amount required to be raised in that year by levy under section 294 shall be reduced by the amount to be raised by the levy under this section. Levy under s. 294 to be reduced

**18.** Clause *b* of subsection 2 of section 303 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 303, subs. 2, cl. *b*, re-enacted



- (b) Where no such debentures are redeemable or where the amount is not sufficient to redeem a debenture or where a balance remains after redemption as required by clause *a*, the amount or the balance, as the case may be, shall be applied on the annual payments of principal and interest on the debentures until the amount or the balance, as the case may be, has all been so applied, and the levies required for such purpose shall be reduced accordingly.

R.S.O. 1960,  
c. 249, s. 329,  
subs. 2,  
repealed

**19.**—(1) Subsection 2 of section 329 of *The Municipal Act* is repealed.

R.S.O. 1960,  
c. 249, s. 329,  
subs. 4,  
amended

(2) Subsection 4 of the said section 329 is amended by striking out “after the 30th day of June in any year” in the first line, so that the subsection shall read as follows:

Treasurer  
to furnish  
lender with  
copy of  
by-law,  
etc.

- (4) At the time that any amount is borrowed under this section, the treasurer shall furnish to the lender a copy of the by-law authorizing the borrowing and a statement showing the nature and amount of the estimated revenues of the current year not yet collected or, where the estimates for the year have not been adopted, a statement showing the nature and amount of the estimated revenues of the corporation as set forth in the estimates adopted for the next preceding year, and also showing the total of any amounts borrowed under this section that have not been repaid.

R.S.O. 1960,  
c. 249, s. 329,  
subs. 5,  
amended

(3) Subsection 5 of the said section 329 is amended by striking out “subsections 2 and 3” in the second line and inserting in lieu thereof “subsection 3”, so that the subsection shall read as follows:

Temporary  
application  
of estimates  
of preceding  
year

- (5) Until such estimates are adopted, the limitations upon borrowing prescribed by subsection 3 shall temporarily be calculated upon the estimated revenues of the corporation as set forth in the estimate adopted for the next preceding year.

R.S.O. 1960,  
c. 249, s. 329,  
subs. 6,  
repealed

(4) Subsection 6 of the said section 329 is repealed.

R.S.O. 1960,  
c. 249, s. 330,  
amended

**20.** Section 330 of *The Municipal Act* is amended by adding at the end thereof “up to the total of the amount of the debentures authorized by the Municipal Board and any further amount that has been authorized by the Municipal Board”, so that the section shall read as follows:

Temporary  
advances

330. Where by this or any other Act power is conferred on a corporation to borrow money, it includes, pending the issue and sale of the debentures, the

power to agree with a bank or person for temporary advances from time to time to meet expenditures incurred, up to the total of the amount of the debentures authorized by the Municipal Board and any further amount that has been authorized by the Municipal Board.

**21.** Subsection 1 of section 372 of *The Municipal Act* is amended by adding at the commencement thereof "Subject to the approval of the Ontario Police Commission", so that the subsection shall read as follows: R.S.O. 1960,  
c. 249, s. 372,  
subs. 1,  
amended

- (1) Subject to the approval of the Ontario Police Commission, the council of every local municipality may establish, maintain and regulate lock-up houses for the detention and imprisonment of persons sentenced to imprisonment therein for not more than ten days, and of persons detained for examination on a charge of having committed any offence, or for transfer to any common jail for trial, or in the execution of any sentence, and such persons may be lawfully received and so detained in the lock-up. Lock-up  
houses

**22.**—(1) Paragraph 9 of section 377 of *The Municipal Act*, as re-enacted by subsection 1 of section 26 of *The Municipal Amendment Act, 1965*, is amended by striking out "establishing or for granting aid to the establishment" in the first and second lines and inserting in lieu thereof "establishing, operating, maintaining and improving or for granting aid to the establishment, operation, maintenance and improvement", so that the paragraph, exclusive of the clause, shall read as follows: R.S.O. 1960,  
c. 249, s. 377,  
par. 9  
(1965,  
c. 77, s. 26,  
subs. 1),  
amended

9. For establishing, operating, maintaining and improving or for granting aid to the establishment, operation, maintenance and improvement of air harbours or landing grounds in compliance with the *Air Regulations* (Canada), and for granting aid for aeronautical research work and for the development and general advancement of the science of aeronautics and the use of aircraft, and for entrusting the control and management of any air harbour or landing ground so established to a commission appointed by the council. Establish-  
ment, etc.,  
of air  
harbours  
or landing  
grounds

(2) The said section 377 is amended by adding thereto the following paragraph: R.S.O. 1960,  
c. 249, s. 377,  
amended

- 42a. For making grants in aid of the arts of the theatre, literature, music, painting, sculpture, or architecture or the graphic arts, or any other similar creative or interpretative activity. Aid to  
arts

R.S.O. 1960,  
c. 249, s. 377,  
par. 60,  
cl. b,  
amended

(3) Clause *b* of paragraph 60 of the said section 377 is amended by adding at the end thereof "and the first-mentioned municipality or local board shall pay to the other municipality or local board the amount that would have been paid to the employee if such employee had terminated his employment with such first-mentioned municipality or local board or one-half of the amount of the cumulative sick leave credits placed to the credit of the employee, whichever is the lesser", so that the clause shall read as follows:

Transfer  
of credits

- (b) Where an employee of a municipality or local board that has established a sick leave credit plan under this or any other general or special Act becomes an employee of another municipality or local board that has also established a sick leave credit plan under this or any other general or special Act, the latter municipality or local board shall place to the credit of the employee the sick leave credits standing to the credit of the employee in the plan of the first-mentioned municipality or local board, provided that the amount of such sick leave credits so placed shall not exceed the amount of cumulative sick leave credits permitted under the plan to which the credits are placed, and the first-mentioned municipality or local board shall pay to the other municipality or local board the amount that would have been paid to the employee if such employee had terminated his employment with such first-mentioned municipality or local board or one-half of the amount of the cumulative sick leave credits placed to the credit of the employee, whichever is the lesser.

R.S.O. 1960,  
c. 249, s. 377,  
par. 60,  
amended

(4) Paragraph 60 of the said section 377, as amended by subsection 2 of section 14 of *The Municipal Amendment Act, 1960-61*, is further amended by adding thereto the following clause:

- (d) Any local board may establish a plan of sick leave credit gratuities for employees or any class thereof, and the provisions of this paragraph apply *mutatis mutandis* thereto.

R.S.O. 1960,  
c. 249, s. 377,  
par. 61,  
cl. a,  
amended

(5) Clause *a* of paragraph 61 of the said section 377 is amended by inserting after "of" in the second line "twice", so that the clause shall read as follows:

- (a) No by-law under this paragraph shall authorize contributions by the municipality in excess of twice the total of those made by the employees.



(6) Paragraph 61 of the said section 377 is amended by adding thereto the following clause: R.S.O. 1960,  
c. 249, s. 377,  
par. 61,  
amended

- (c) Any local board may provide insurance and hospital, medical, surgical, nursing or dental services and payment therefor in the same manner and for the same classes of persons as the council of a municipality, and the provisions of this paragraph apply *mutatis mutandis* thereto.

(7) Clause *a* of paragraph 62 of the said section 377 is amended by striking out "the total" in the second and third lines and inserting in lieu thereof "twice the total of those", so that the clause shall read as follows: R.S.O. 1960,  
c. 249, s. 377,  
par. 62,  
cl. a,  
amended

- (a) No by-law under this paragraph shall authorize contributions by the municipality in excess of twice the total of those made by the employees.

(8) Paragraph 62 of the said section 377 is amended by adding thereto the following clause: R.S.O. 1960,  
c. 249, s. 377,  
par. 62,  
amended

- (c) Any local board may contribute toward the cost to employees of the plan of hospital care insurance provided for under *The Hospital Services Commission Act*, and the provisions of this paragraph apply *mutatis mutandis* thereto. R.S.O. 1960,  
c. 176

(9) Paragraph 68 of the said section 377 is amended by adding thereto the following clause: R.S.O. 1960,  
c. 249, s. 377,  
par. 68,  
amended

- (aa) The by-law establishing a parking authority or a subsequent by-law may provide for a staggered system of appointments, in which case, on the first appointment of members after the passing of the by-law, one member shall be appointed to hold office for one year, one for two years and one for three years, and thereafter all appointments shall be for a period of three years. Staggered  
system of  
appoint-  
ments

(10) The said section 377 is further amended by striking out the heading immediately preceding paragraph 69 and substituting therefor the following: R.S.O. 1960,  
c. 249, s. 377,  
amended

### *Special Undertakings*

(11) Clause *a* of paragraph 71 of the said section 377, as enacted by subsection 4 of section 26 of *The Municipal Amendment Act, 1965*, is amended by inserting after "hospital" in the fifth line "nursing home", so that the clause shall read as follows: R.S.O. 1960,  
c. 249, s. 377,  
par. 71  
(1965,  
c. 77, s. 26,  
subs. 4),  
cl. a,  
amended

- (a) In this paragraph, "lodging house" means a nursing home and any house or other building or portion thereof in which persons are harboured, received or lodged for hire, but does not include a hotel, hospital, nursing home, home for the young or the aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under any other general or special Act.

R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
amended

**23.**—(1) Subsection 1 of section 379 of *The Municipal Act* is amended by adding thereto the following paragraph:

Prohibiting  
incinerators  
in certain  
buildings

- 43a. For prohibiting the installation, use and maintenance of incinerators for the burning of garbage or other refuse in any class or classes of buildings erected after the 1st day of September, 1966.

R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
par. 52,  
amended

(2) Paragraph 52 of subsection 1 of the said section 379, as amended by subsection 4 of section 42 of *The Municipal Amendment Act, 1961-62*, is further amended by adding thereto the following clause:

Land of  
certain  
school  
boards

- (g) Land in the municipality of any school board that has jurisdiction in any other municipality or territory without municipal organization is liable to be specially assessed for the completion, improvement, alteration, enlargement or extension of any public utility undertaking under this section.

R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
par. 54,  
amended

(3) Paragraph 54 of subsection 1 of the said section 379 is amended by inserting after "the" in the first line and in the fourth line "owners or", so that the paragraph shall read as follows:

Removal of  
snow and  
ice from  
roofs and  
sidewalks of  
occupied  
premises

54. For requiring the owners or occupants of any designated class of building in the municipality or any defined area thereof to clear away and remove snow and ice from the roofs of such buildings and for requiring the owners or occupants of any designated class of building in the municipality or any designated area thereof to clear away and remove snow and ice from the sidewalks on the highways in front of, alongside or at the rear of such buildings and for regulating when and the manner in which the same shall be done.

R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
pars. 88b,  
88c  
(1962-63,  
c. 87, s. 16,  
subs. 3),  
repealed

(4) Paragraphs 88b and 88c of subsection 1 of the said section 379, as enacted by subsection 3 of section 16 of *The Municipal Amendment Act, 1962-63*, are repealed.



(5) Clause *a* of paragraph 105 of subsection 1 of the said section 379 is amended by inserting after "parking" in the third line "standing or stopping", so that the clause shall read as follows:

R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
par. 105,  
cl. *a*,  
amended

- (a) A by-law under this paragraph may provide a procedure for the voluntary payment of penalties out of court in cases where it is alleged that the parking, standing or stopping provisions of the by-law have been contravened, and, if payment is not made in accordance with the procedure, subsection 2 of section 482 applies.

Expeditionous  
procedures  
authorized  
for parking,  
standing or  
stopping  
offences

(6) Subsection 1 of the said section 379 is further amended by adding thereto the following paragraph:

R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
amended

- 105b. Subject to *The Highway Traffic Act*, for designating any highway or highways having a width of 14 feet or less and for prohibiting the driving of vehicles having greater widths than those prescribed in the by-law on such highway or highways.

Limiting  
width of  
vehicles on  
certain  
highways  
R.S.O. 1960,  
c. 172

- (a) No such by-law is effective in respect of a highway so designated unless there is erected at each entrance thereto a sign clearly indicating the limitation on the width of vehicles permitted on such highway.

**24.** Section 379a of *The Municipal Act*, as enacted by section 43 of *The Municipal Amendment Act, 1961-62* and amended by section 10 of *The Municipal Amendment Act, 1964* and section 28 of *The Municipal Amendment Act, 1965*, is further amended by adding thereto the following subsections:

R.S.O. 1960,  
c. 249,  
s. 379a  
(1961-62,  
c. 86, s. 43),  
amended

- (18) Notwithstanding section 482, a by-law passed under this section may provide for imposing fines of not more than \$5,000, exclusive of costs, on every person who contravenes such by-law.

Fines

- (19) Every such fine is recoverable under *The Summary Convictions Act*, all the provisions of which apply, except that the imprisonment may be for a term of not more than one year for the breach of such a by-law.

Recovery  
R.S.O. 1960,  
c. 387

**25.** Subsection 2 of section 379e of *The Municipal Act*, as enacted by section 29 of *The Municipal Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 249, s. 379e  
(1965,  
c. 77, s. 29),  
subs. 2,  
re-enacted

- (2) The special charge or charges under any by-law shall refer specifically to sewage works or water works as defined in section 380, or to both, as the case may be.

Charges to  
refer to  
specific  
works

R.S.O. 1960,  
c. 249,  
amended

**26.** *The Municipal Act* is amended by adding thereto the following section:

**379f.** By-laws may be passed by the councils of local municipalities:

Water  
canals in  
subdivisions

1. For accepting a conveyance of lands in a registered plan of subdivision used or intended to be used for or in connection with water canals and, when such lands have been conveyed, for cleaning, dredging and maintaining such canals, and providing and maintaining equipment for the circulation of water in them, and for defining an area and providing that the cost of such cleaning, dredging, maintenance and equipment and maintenance thereof shall be levied on the rateable property in the area, and the by-law may provide that the whole or part of such cost shall be assessed upon the lots abutting on such canals according to the frontage thereof, and, where only part of such cost is assessed on the lots abutting such canals, the balance of the cost shall be assessed and levied on the rateable property in the area.

Regulating  
use

2. For regulating and governing the use of water canals and for limiting the speed at which any boat or other vessel may travel in such canals.

Docks and  
slips

3. For permitting the owners or lessees of lots abutting water canals conveyed to the municipality to construct, maintain and use docks or slips in such canals and for making such annual or other charge for the privilege conferred by the by-law as the council may deem reasonable, and for providing that, upon the termination of such privilege, the canal shall be restored to its former condition at the expense of the owner or lessee of the land to which the privilege is appurtenant by removing the dock or slip or otherwise as may be required by the by-law.

- (a) Such annual or other charge and any expense incurred by the corporation in restoring the water canal to its former condition is payable and payment of it may be enforced in like manner as taxes are payable and payment of them may be enforced.

- (b) The corporation is not liable for damages that may result from the construction, maintenance and use of any such dock or slip.

**27.** Section 380 of *The Municipal Act*, as re-enacted by R.S.O. 1960, c. 249, s. 380, section 17 of *The Municipal Amendment Act, 1962-63* and (1962-63, c. 87, s. 17), amended by section 11 of *The Municipal Amendment Act, 1964*, is further amended by adding thereto the following subsection:

- (21) A school board that has jurisdiction in the municipality and in any other municipality or territory without municipal organization is liable to a sewer rate or a water works rate imposed under subsection 2 or 10 and to a sewage service rate imposed under subsection 15. Liability of school boards

**28.**—(1) Paragraph 2 of section 384 of *The Municipal Act* R.S.O. 1960, c. 249, s. 384, is amended by striking out "Ontario" in the fourth line and par. 2, inserting in lieu thereof "Canada", so that the paragraph amended shall read as follows:

2. For endowing fellowships, scholarships or exhibitions, and other similar prizes, in the University of Toronto, or in Upper Canada College, or in any other university or college in Canada, for competition among the pupils of the collegiate institutes, high schools and continuation schools in the municipality. Endowing fellowships, etc., in universities and colleges

(2) Paragraph 5 of the said section 384 is amended by R.S.O. 1960, c. 249, s. 384, striking out "Ontario" in the fourth line and inserting in par. 5, lieu thereof "Canada", so that the paragraph shall read as amended follows:

5. For making permanent provision for defraying the expenses of the attendance at the University of Toronto, or at Upper Canada College, or at any other university or college in Canada, of such of the pupils of any collegiate institute, high school or continuation school of the municipality as are unable to incur the expense, but are desirous of and in the opinion of the head master thereof possess competent attainments for competing for any scholarship, exhibition or other similar prize offered by such university or college. Supporting certain pupils at universities, colleges, etc.

**29.** Section 408 of *The Municipal Act* is amended by R.S.O. 1960, c. 249, s. 408, striking out "but not exceeding \$2,000" in the seventh line, amended so that the section shall read as follows:



Expense  
allowance

408. Notwithstanding the other provisions of this Act or any other general or special Act, where an elected member of a council of a municipality or a local board, as defined in *The Department of Municipal Affairs Act*, is, under a by-law or resolution of the council or such local board, paid a salary, indemnity, allowance or other remuneration, one-third of such amount shall be deemed to be for expenses incident to the discharge of his duties as a member of the council or such local board.

R.S.O. 1960,  
c. 98

R.S.O. 1960,  
c. 249, s. 410,  
cl. b,  
subcl. ii,  
amended

**30.**—(1) Subclause ii of clause b of section 410 of *The Municipal Act* is amended by striking out “2,500” and inserting in lieu thereof “5,000”, so that the subclause shall read as follows:

(ii) in the case of a county . . . . . 5,000

Expense  
limits not  
applicable  
in 1967

(2) During Centennial Year 1967, the council of a municipality is not limited to the amounts set out in subclauses i and ii of clause b of section 410 of *The Municipal Act*.

R.S.O. 1960,  
c. 249, s. 411,  
subs. 2  
(1964,  
c. 68, s. 13),  
amended

**31.** Subsection 2 of section 411 of *The Municipal Act*, as re-enacted by section 13 of *The Municipal Amendment Act, 1964*, is amended by striking out “a sum not exceeding \$60,000” in the fifth line and inserting in lieu thereof “such sum as it may determine”, so that the subsection shall read as follows:

Expenditures  
for publicity

- (2) The council of a municipality may, by a vote of three-fourths of all the members of the council or, in the case of a county, by a vote of three-fourths of the voting strength of the council, expend in any year such sum as it may determine for the purpose of paying any expenses of its department and commissioner of industries, if any, and for the purpose of diffusing information respecting the advantages of the municipality as an industrial, business, educational, residential or vacation centre.

R.S.O. 1960,  
c. 249, s. 459,  
amended

**32.** Section 459 of *The Municipal Act*, as amended by section 49 of *The Municipal Amendment Act, 1961-62* and section 32 of *The Municipal Amendment Act, 1965*, is further amended by adding thereto the following subsection:

- (9) A by-law passed under subsection 1, or any predecessor of subsection 1, for closing any street, road or highway or for opening upon any private property any street, road or highway does not take effect until it has been registered in the registry office of the

Registration  
of by-laws

registry division in which the land is situate, and the by-law shall be registered without further proof by depositing a copy certified under the hand of the clerk and the seal of the municipality.

**33.** Clause *a* of subsection 1 of section 462 of *The Municipal Act* is amended by striking out "township" in the third line and inserting in lieu thereof "of a township with a population of less than 40,000", so that the clause shall read as follows:

R.S.O. 1960,  
c. 249, s. 462,  
subs. 1,  
cl. a,  
amended

- (a) notice of the proposed by-law shall be published at least once a week for four successive weeks, and in the case of a village or of a township with a population of less than 40,000 shall be posted up for at least one month in six of the most public places in the immediate neighbourhood of the highway or proposed highway; and

**34.** Paragraph 3 of section 469 of *The Municipal Act*, as amended by section 33 of *The Municipal Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 249, s. 469,  
par. 3,  
re-enacted

3. For permitting the owners of land to make, maintain and use areas under and openings to them in the highways and sidewalks and for permitting the owners or lessees of land abutting on one side of a highway to construct, maintain and use a bridge or other structure over, across or under the highway for the purpose of access to land on the other side of the highway, which any such owner or lessee owns or leases or in respect of which he has a licence of occupation, and for permitting the owners of land to maintain and use signs and other advertising devices that project over the sidewalks, movable receptacles containing plants, shrubs or trees over or upon the sidewalks and canopies that project over the sidewalks, and for permitting the owners or lessees of land to install, maintain and use heating devices in, under, over or upon the sidewalks, and for prescribing the terms and conditions upon which the same shall be made, constructed, installed, maintained and used and for making such annual or other charge for the privilege conferred by the by-law as the council may deem reasonable, and for providing that, upon the termination of such privilege, the highway shall be restored to its former condition at the expense of the owner or lessee of the land, to which the privilege is appurtenant, by filling in the area or

Use of  
highways  
by owners  
and lessees  
of abutting  
lands



opening, removing the bridge, structure, sign or other advertising device, receptacle, canopy or heating device or otherwise as may be required by the by-law.

Charge

- (a) Such annual or other charge and any expense incurred by the corporation in restoring the highway to its former condition is payable and payment of it may be enforced in like manner as taxes are payable and payment of them may be enforced.

Liability of corporation for damages

- (b) The corporation is liable for any want of repair of the highway that may result from the construction, installation, maintenance and use of any such area or opening, bridge or structure, sign or advertising device, receptacle, canopy or heating device, but is entitled to the remedy over provided for by section 450 against the person by whose act or omission the want of repair is caused.

R.S.O. 1960,  
c. 249  
amended

**35.** *The Municipal Act* is amended by adding thereto the following section:

**469a. By-laws may be passed by the council of every local municipality:**

Leasing of untravelled portions of highways

1. For leasing or licensing the use of untravelled portions of highways under the jurisdiction of the council, except highways that are extensions or connecting links of the King's Highway, within those portions of the municipality in which land may be used for commercial or industrial purposes, to the owners or occupants of adjoining property for such consideration and upon such terms and conditions as may be agreed.

Use of untravelled portions of highways under lease

2. For regulating and controlling the use, including the use for parking purposes, of untravelled portions of highways under the jurisdiction of the council that are not extensions or connecting links of the King's Highway, which are leased or in respect of which a licence is granted under paragraph 1.

R.S.O. 1960,  
c. 249, s. 473,  
subs. 4,  
cl. c,  
re-enacted

**36.** Clause *c* of subsection 4 of section 473 of *The Municipal Act* is repealed and the following substituted therefor:

- (c) authorizing and regulating the planting, with the consent of the owner, of shade or ornamental trees

within eight feet of any highway at the expense of the municipality, provided that any tree planted under the authority of any such by-law is the property of the owner of the land in which it is planted, and the municipality is not liable for maintenance or otherwise in respect of any tree so planted.

**37.** Subsection 5 of section 522 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 249, s. 522,  
subs. 5,  
re-enacted

- (5) Except where otherwise provided by the Municipal Board, the members of the board, with respect to the improvement district, shall be the members of every local board within the meaning of *The Department of Municipal Affairs Act*, except a local board of health, a separate school board, a high school board of a high school district established under subsection 4 of section 12 of *The Secondary Schools and Boards of Education Act*, or a board of a county or district school area or a board of a township school area that includes the whole or part of another municipality or territory without municipal organization. Board  
deemed to  
be local  
boards  
  
R.S.O. 1960,  
cc. 98, 362

**38.** Form 12 of *The Municipal Act* is amended by striking out the first paragraph of clause *c* of item 9 and substituting therefor the following: R.S.O. 1960,  
c. 249,  
Form 12,  
amended

(c) *In the case of a person claiming to vote in respect of a freehold estate, insert here, "At the date of this election you are in your own right (or you reside in or within five miles of the municipality and your wife is in her own right or you reside in or within five miles of the municipality and your husband is in his own right) owner of land within this polling subdivision (or, in case of a ward not divided into polling subdivisions, within this ward)."*

**39.** Form 20 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 249,  
Form 20,  
re-enacted

#### FORM 20

(Section 236 (1) )

#### DECLARATION OF ELECTED OFFICE

I, ....., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of.....to which I have been elected in this municipality, that I have not received and will not receive any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of such office, that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the corporation, that I am not a shareholder with a controlling interest in or a director, manager, secretary, treasurer, secretary-treasurer or agent of an incorporated company having dealings or a contract with the corporation, and that I will disclose any pecuniary interest, direct or indirect, that I may have in any proposed contract with the corporation or in any other matter in which the (city, town, etc.) of ..... is concerned.

## FORM 20a

(Section 236 (2) )

## DECLARATION OF APPOINTED OFFICE

I, ....., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*insert name of office, or offices in the case of a person who has been appointed to two or more offices that he may lawfully hold at the same time*), that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the offices to which I have been appointed in this municipality, that I have not received and will not receive any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of such office (*or offices*), and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the corporation except that arising out of my office as clerk (*or my office as assessor or collector, as the case may be*).

Commence-  
ment

**40.**—(1) This Act, except subsection 2 of section 15, section 16, subsections 4, 6 and 8 of section 22, subsections 2 and 4 of section 23 and sections 27, 29 and 32, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 4 of section 22 shall be deemed to have come into force on the 5th day of April, 1946.

Idem

(3) Subsection 6 of section 22 shall be deemed to have come into force on the 6th day of April, 1954.

Idem

(4) Subsection 8 of section 22 shall be deemed to have come into force on the 26th day of March, 1959.

Idem

(5) Section 29 shall be deemed to have come into force on the 1st day of January, 1966.

Idem

(6) Section 16, subsection 2 of section 23 and sections 27 and 32 come into force on the 1st day of January, 1967.

Idem

(7) Subsection 2 of section 15 and subsection 4 of section 23 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**41.** This Act may be cited as *The Municipal Amendment Act, 1966*.









An Act to amend The Municipal Act

*1st Reading*

June 27th, 1966

*2nd Reading*

July 4th, 1966

*3rd Reading*

July 7th, 1966

MR. SPOONER

# **BILL 193**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act respecting The Art Gallery of Toronto**

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**MR. DAVIS**

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#### EXPLANATORY NOTE

The Art Gallery of Toronto is continued under the name of "Art Gallery of Ontario" and is to be managed by a board of directors appointed in accordance with section 4 of the Bill.

BILL 193

1966

## An Act respecting The Art Gallery of Toronto

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "Board" means the board of directors of the Gallery;
- (b) "Gallery" means the Art Gallery of Ontario.

**2.—**(1) The Art Gallery of Toronto is continued as a corporation without share capital under the name "Art Gallery of Ontario" and, subject to the provisions of this Act, has and may hold, possess and enjoy all the property, rights, powers and privileges that it now has, holds, possesses or enjoys, and, subject to the provisions of this Act, all by-laws, rules and regulations of The Art Gallery of Toronto now in force shall continue in force until amended or repealed.

Art Gallery  
of Toronto  
continued as  
Art Gallery  
of Ontario

(2) On and after the 1st day of October, 1966, the Art Gallery of Ontario shall consist of the directors for the time being of the Board.

Constitution  
of cor-  
poration

### 3. The objects of the Gallery are,

Objects of  
Gallery

- (a) to cultivate and advance the cause of the visual arts in Ontario;
- (b) to conduct programmes of education in the origin, development, appreciation and techniques of the visual arts;
- (c) to collect and exhibit works of art and displays and to maintain and operate a gallery and related facilities as required for this purpose; and
- (d) to stimulate the interest of the public in matters undertaken by the Gallery.



Board of  
directors

**4.**—(1) On and after the 1st day of October, 1966, the affairs of the Gallery shall be managed and controlled by a board of directors consisting of twenty-five directors as follows:

- (a) five persons appointed by The College of Founders of The Art Gallery of Toronto;
- (b) ten persons appointed by the membership of the Gallery; and
- (c) ten other persons appointed by the Lieutenant Governor in Council.

Term of  
office

(2) Each director shall hold office for one year and until his successor is appointed.

Vacancies

(3) Where a vacancy occurs for any reason among the directors, the vacancy shall be filled by a person appointed by the body that appointed the director whose office is vacant.

Chairman,  
vice-  
chairmen

(4) The directors shall annually elect from among themselves a chairman and one or more vice-chairmen.

Presiding  
officer

(5) The chairman shall preside at all meetings of the Board and, in his absence, a vice-chairman shall preside, and, in the absence of the chairman and the vice-chairmen, the members present at a meeting shall elect one of themselves to preside.

Powers of  
Board

**5.** The Board may,

- (a) make by-laws, rules and regulations,
  - (i) for the administration of its affairs, including the fixing of a quorum of the Board,
  - (ii) governing the use by the public of the facilities, property and equipment of the Gallery and requiring the payment of fees for the admission of the public or any class thereof to such facilities and property, and prescribing the amounts of such fees, and
  - (iii) providing for membership in the Gallery and prescribing the qualifications and terms of membership and the fees to be paid therefor, and providing for and regulating meetings of the members;

- (b) appoint a Director of the Gallery;
- (c) appoint, promote, transfer or remove all officers and staff as are necessary for the proper conduct of the affairs of the Gallery; but no person shall be appointed, promoted, transferred or removed as an officer or member of the staff except on the recommendation of the Director;
- (d) fix the number, duties, salaries, qualifications and tenure of office or employment and other emoluments of officers and members of the staff of the Gallery;
- (e) provide for the retirement and superannuation of persons mentioned in clauses *b* and *c*;
- (f) appoint by resolution a director or directors of the Board, or any other person or persons, to execute on behalf of the Board any documents and other instruments in writing and to affix the corporate seal of the Gallery thereto;
- (g) appoint committees from the directors of the Board and such other committees as are deemed desirable, and confer upon any such committees authority to act for the Board with respect to any matter or classes of matters;
- (h) enter into agreements with any association or organization having objects similar to those of the Gallery;
- (i) enter into agreements with one or more universities, colleges or schools in areas consistent with the objects of the Gallery; and
- (j) generally conduct and manage the business and affairs of the Gallery.

**6.** The fiscal year of the Gallery shall extend from the <sup>Fiscal year</sup> 1st day of July of any year to the 30th day of June of the following year.

**7.** All trusts, gifts, devises and bequests that have hereto- <sup>Trusts, bequests, etc.</sup> fore been or shall hereafter be made to or in favour of or intended for The Art Gallery of Toronto shall be held and enjoyed by the Art Gallery of Ontario.

**8.** The Gallery has, in addition to the powers, rights and <sup>Property</sup> privileges mentioned in section 26 of *The Interpretation Act*, <sup>R.S.O. 1960, c. 191</sup> power to purchase or otherwise acquire, take or receive by

gift, bequest or devise and to hold and enjoy any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate or property in addition thereto or in place thereof without licence in mortmain and without limitation as to the period of holding.

Tax  
exemption

**9.** The real and personal property vested in the Gallery and any lands and premises leased to and occupied by the Gallery are not liable to taxation for provincial, municipal or school purposes, and are exempt from every description of taxation so long as the same are actually used and occupied for the purposes of the Gallery.

Property  
of Gallery  
not liable  
to be expro-  
priated

**10.** Real property vested in the Gallery is not liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose, and no power to expropriate real property hereafter conferred shall extend to such property unless in the Act conferring the power it is made in express terms to apply thereto.

Application  
of property

**11.** The property and the income, revenues, issues and profits of all property of the Gallery shall be applied solely to achieving the objects of the Gallery.

Borrowing  
powers

**12.** The Board may borrow money upon the credit of the Gallery, and may issue bonds, debentures or other securities of the Gallery, and may pledge or sell them for such sums or at such prices as may be deemed expedient or necessary, and may hypothecate, mortgage or pledge all or any of the real or personal property, rights or powers of the Gallery to secure any bonds, debentures or other securities and any indebtedness of or money borrowed for the purposes of the Gallery.

Investment  
of funds

**13.** The funds of the Gallery not immediately required for its purposes and the proceeds of all property that come to the Gallery, subject to any trust or trusts affecting the same, may be invested and reinvested in such investments as the Board deems meet.

Audit

**14.** The accounts and financial transactions of the Gallery shall be audited annually by an auditor or auditors appointed by the Board.

Annual  
report

**15.** Upon the request of the Lieutenant Governor in Council, the Board shall submit to him its annual report and shall submit such other reports as he may request from time to time.

**16.** Nothing in this Act authorizes the Board to alienate, <sup>Trust</sup> hypothecate, mortgage or pledge any real or personal property <sup>property</sup> given, devised or bequeathed to it with a condition annexed to such gift that the property shall not be alienated, hypothecated, mortgaged or pledged.

**17.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**18.** This Act may be cited as *The Art Gallery of Ontario* <sup>Short title</sup> Act, 1966.

An Act respecting  
The Art Gallery of Toronto

---

*1st Reading*

June 30th, 1966

*2nd Reading*

*3rd Reading*

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MR. DAVIS

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# **BILL 193**

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**4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966**

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## **An Act respecting The Art Gallery of Toronto**

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**MR. DAVIS**

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BILL 193

1966

## An Act respecting The Art Gallery of Toronto

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Board" means the board of directors of the Gallery;
- (b) "Gallery" means the Art Gallery of Ontario.

**2.**—(1) The Art Gallery of Toronto is continued as a corporation without share capital under the name "Art Gallery of Ontario" and, subject to the provisions of this Act, has and may hold, possess and enjoy all the property, rights, powers and privileges that it now has, holds, possesses or enjoys, and, subject to the provisions of this Act, all by-laws, rules and regulations of The Art Gallery of Toronto now in force shall continue in force until amended or repealed.

Art Gallery  
of Toronto  
continued as  
Art Gallery  
of Ontario

(2) On and after the 1st day of October, 1966, the Art Gallery of Ontario shall consist of the directors for the time being of the Board.

Constitution  
of cor-  
poration

**3.** The objects of the Gallery are,

Objects of  
Gallery

- (a) to cultivate and advance the cause of the visual arts in Ontario;
- (b) to conduct programmes of education in the origin, development, appreciation and techniques of the visual arts;
- (c) to collect and exhibit works of art and displays and to maintain and operate a gallery and related facilities as required for this purpose; and
- (d) to stimulate the interest of the public in matters undertaken by the Gallery.

Board of  
directors

**4.**—(1) On and after the 1st day of October, 1966, the affairs of the Gallery shall be managed and controlled by a board of directors consisting of twenty-five directors as follows:

(a) five persons appointed by The College of Founders of The Art Gallery of Toronto;

(b) ten persons appointed by the membership of the Gallery; and

(c) ten other persons appointed by the Lieutenant Governor in Council.

Term of  
office

(2) Each director shall hold office for one year and until his successor is appointed.

## Vacancies

(3) Where a vacancy occurs for any reason among the directors, the vacancy shall be filled by a person appointed by the body that appointed the director whose office is vacant.

Chairman,  
vice-  
chairmen

(4) The directors shall annually elect from among themselves a chairman and one or more vice-chairmen.

Presiding  
officer

(5) The chairman shall preside at all meetings of the Board and, in his absence, a vice-chairman shall preside, and, in the absence of the chairman and the vice-chairmen, the members present at a meeting shall elect one of themselves to preside.

Powers of  
Board

**5.** The Board may,

(a) make by-laws, rules and regulations,

(i) for the administration of its affairs, including the fixing of a quorum of the Board,

(ii) governing the use by the public of the facilities, property and equipment of the Gallery and requiring the payment of fees for the admission of the public or any class thereof to such facilities and property, and prescribing the amounts of such fees, and

(iii) providing for membership in the Gallery and prescribing the qualifications and terms of membership and the fees to be paid therefor, and providing for and regulating meetings of the members;

- (b) appoint a Director of the Gallery;
- (c) appoint, promote, transfer or remove all officers and staff as are necessary for the proper conduct of the affairs of the Gallery, but no person shall be appointed, promoted, transferred or removed as an officer or member of the staff except on the recommendation of the Director;
- (d) fix the number, duties, salaries, qualifications and tenure of office or employment and other emoluments of officers and members of the staff of the Gallery;
- (e) provide for the retirement and superannuation of persons mentioned in clauses *b* and *c*;
- (f) appoint by resolution a director or directors of the Board, or any other person or persons, to execute on behalf of the Board any documents and other instruments in writing and to affix the corporate seal of the Gallery thereto;
- (g) appoint committees from the directors of the Board and such other committees as are deemed desirable, and confer upon any such committees authority to act for the Board with respect to any matter or classes of matters;
- (h) enter into agreements with any association or organization having objects similar to those of the Gallery;
- (i) enter into agreements with one or more universities, colleges or schools in areas consistent with the objects of the Gallery; and
- (j) generally conduct and manage the business and affairs of the Gallery.

**6.** The fiscal year of the Gallery shall extend from the 1st day of July of any year to the 30th day of June of the following year. Fiscal year

**7.** All trusts, gifts, devises and bequests that have heretofore been or shall hereafter be made to or in favour of or intended for The Art Gallery of Toronto shall be held and enjoyed by the Art Gallery of Ontario. Trusts,  
bequests,  
etc.

**8.** The Gallery has, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by Property  
R.S.O. 1960,  
c. 191



gift, bequest or devise and to hold and enjoy any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate or property in addition thereto or in place thereof without licence in mortmain and without limitation as to the period of holding.

Tax  
exemption

**9.** The real and personal property vested in the Gallery and any lands and premises leased to and occupied by the Gallery are not liable to taxation for provincial, municipal or school purposes, and are exempt from every description of taxation so long as the same are actually used and occupied for the purposes of the Gallery.

Property  
of Gallery  
not liable  
to be expro-  
priated

**10.** Real property vested in the Gallery is not liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose, and no power to expropriate real property hereafter conferred shall extend to such property unless in the Act conferring the power it is made in express terms to apply thereto.

Application  
of property

**11.** The property and the income, revenues, issues and profits of all property of the Gallery shall be applied solely to achieving the objects of the Gallery.

Borrowing  
powers

**12.** The Board may borrow money upon the credit of the Gallery, and may issue bonds, debentures or other securities of the Gallery, and may pledge or sell them for such sums or at such prices as may be deemed expedient or necessary, and may hypothecate, mortgage or pledge all or any of the real or personal property, rights or powers of the Gallery to secure any bonds, debentures or other securities and any indebtedness of or money borrowed for the purposes of the Gallery.

Investment  
of funds

**13.** The funds of the Gallery not immediately required for its purposes and the proceeds of all property that come to the Gallery, subject to any trust or trusts affecting the same, may be invested and reinvested in such investments as the Board deems meet.

Audit

**14.** The accounts and financial transactions of the Gallery shall be audited annually by an auditor or auditors appointed by the Board.

Annual  
report

**15.** Upon the request of the Lieutenant Governor in Council, the Board shall submit to him its annual report and shall submit such other reports as he may request from time to time.

**16.** Nothing in this Act authorizes the Board to alienate, <sup>Trust</sup> hypothecate, mortgage or pledge any real or personal <sup>property</sup> property given, devised or bequeathed to it with a condition annexed to such gift that the property shall not be alienated, hypothecated, mortgaged or pledged.

**17.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**18.** This Act may be cited as *The Art Gallery of Ontario* <sup>Short title</sup> *Act, 1966.*

An Act respecting  
The Art Gallery of Toronto

---

*1st Reading*

June 30th, 1966

*2nd Reading*

July 5th, 1966

*3rd Reading*

July 7th, 1966

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MR. DAVIS

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# **BILL 194**

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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## **An Act to incorporate Sunnybrook Hospital**

---

MR. ROBARTS

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#### EXPLANATORY NOTE

A corporation under the name of "Sunnybrook Hospital" is established to manage and operate Sunnybrook Hospital, which is to be continued as a university teaching hospital.



BILL 194

1966

## An Act to incorporate Sunnybrook Hospital

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-  
tation

- (a) "Board" means the board of trustees of Sunnybrook Hospital;
- (b) "Governors" means The Governors of the University of Toronto;
- (c) "Hospital" means the hospital in The Municipality of Metropolitan Toronto known as Sunnybrook Hospital.

2.—(1) The management, maintenance and operation of the Hospital are hereby continued in a corporation consisting of the trustees of the Board who hold office from time to time, which is hereby created under the name "Sunnybrook Hospital".

Corporation  
established

(2) Sunnybrook Hospital shall operate the Hospital as a university teaching hospital in which all members of the medical staff shall also be members of a university faculty of medicine and in which instruction in fields of medicine and medical research will be carried out.

Hospital  
to be con-  
tinued as a  
university  
teaching  
hospital

3.—(1) Notwithstanding *The Public Hospitals Act*, there shall be a board of trustees of Sunnybrook Hospital constituted as follows:

Board  
R.S.O. 1960,  
c. 322

- (a) the Chairman of the Governors and the President of the University of Toronto, the President of the medical staff, the Vice-President of the medical staff, and the Chairman of the Medical Advisory Committee, of the Hospital;

(b) six trustees appointed by the Lieutenant Governor in Council;

(c) two trustees, members of the staff of the Faculty of Medicine of the University of Toronto, appointed by the Governors; and

(d) ten trustees appointed by the Governors.

Time of  
first ap-  
pointments

(2) The first appointments of trustees under subsection 1 shall be made within one month after the day this Act comes into force.

Term of  
office

(3) The trustees shall hold office for three years and until their successors are appointed.

Eligibility  
for  
re-appoint-  
ment

(4) Trustees are eligible for re-appointment.

Termination  
of office

(5) If a trustee becomes mentally ill or otherwise incapable of acting, he shall *ipso facto* vacate his office, and it is the duty of the Board, by resolution, to declare his membership vacant.

Idem

(6) If, within any calendar year, a member of the Board, not having been granted leave of absence by the Board, attends less than 40 per cent of the meetings of the Board, the Board may, by resolution, declare his membership vacant.

Idem

(7) If, within any calendar year, a member of the Board, not having been granted leave of absence by the Board, attends less than 20 per cent of the meetings of the Board, he shall *ipso facto* vacate his office, and it is the duty of the Board, by resolution, to declare his membership vacant.

Evidence  
of vacancy

(8) A resolution passed under subsection 5, 6 or 7, entered upon the minutes of the Board, is conclusive evidence of the vacancy therein declared.

Filling of  
vacancies

(9) When a vacancy occurs in the office of an appointed trustee, it shall be filled by the appointment of a person by the body that appointed the trustee whose office is vacant, and the person so appointed shall hold office for the remainder of the term of his predecessor.

Quorum

(10) Except as otherwise provided by the Board, eleven members constitute a quorum at meetings of the Board.

Chairman

4. One of the trustees, who shall also be a member of the Governors, shall be appointed by the Governors to be Chairman of the Board.

5. The Board may appoint one of its members to be Vice-Chairman, and, in the case of the absence or illness of the Chairman or of there being a vacancy in the office of Chairman, the Vice-Chairman shall act as and have all the powers of the Chairman.

6.—(1) Subject to *The Public Hospitals Act* and any regulations made thereunder and to *The Hospital Services Commission Act* and any regulations made thereunder, the Board shall be responsible for the management, operation and maintenance of the Hospital as a university teaching hospital in which all members of the medical staff shall also be members of a university faculty of medicine and in which instruction in fields of medicine and medical research will be carried out, and, save as hereinafter provided, may have and exercise all powers incidental thereto, and, without limiting the generality of the foregoing, may enact by-laws and regulations,

Powers of  
the Board  
R.S.O. 1960,  
cc. 322, 176

(a) for the management, operation and maintenance of the Hospital;

(b) pertaining to the calling and holding of meetings of the Board and to the business transacted thereat;

(c) providing for the appointment of committees, including an executive committee and a medical advisory committee, and for the conferring upon any of such committees of authority to act for the Board with respect to any matter, or class or classes of matters.

(2) A majority of the members of every committee, except the medical advisory committee, shall be members of the Board.

Committees  
composition

(3) No decision of a committee, which includes in its membership persons who are not members of the Board, shall be valid or effective until approved and ratified by the Board.

Decisions

7. The Board may enter into agreements with the University of Toronto and, subject to the approval of the Governors, with other universities or entities providing for the care of the sick and for teaching and research facilities at the Hospital.

Agreements  
with  
universities

8. The Board or the Governors, or the Board and the Governors together, may from time to time enter into such agreements with the Department of Veterans Affairs or Her Majesty the Queen in right of Canada, relating to the care of veterans or other matters connected with the operation of the Hospital as they may consider desirable.

Agreements  
with Depart-  
ment of  
Veterans  
Affairs



Employees  
transferred  
from the  
public  
service of  
Canada

9. The Board may enter into agreements to establish and provide, for any person transferred from the employ of the public service of Canada on the staff of the Hospital to the employ of Sunnybrook Hospital on the staff of the Hospital, a pension plan providing for the continuation of benefits the same as or equivalent to those enjoyed at the time of such transfer in the public service of Canada and may pay the employer's share of the cost of such plan.

Real  
property  
R.S.O. 1960,  
c. 322

10.—(1) Subject to *The Public Hospitals Act* and to any regulations made thereunder, the Board may acquire by grant, gift, devise or otherwise and may hold any land or interest therein without licence in mortmain.

Exemption  
from expro-  
priation

(2) No real property or interest therein vested in Sunnybrook Hospital and used for hospital purposes shall be liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking land compulsorily for any purpose whatsoever, and no power to expropriate real property hereafter conferred shall extend to such real property or interest unless in the Act conferring the power it is made in express terms to apply to such real property or interest.

Exemption  
from  
taxation

(3) The real and personal property vested in Sunnybrook Hospital and any lands and premises leased to or occupied by Sunnybrook Hospital shall not be liable to taxation for provincial, municipal or school purposes, and shall be exempt from every description of taxation so long as the same are actually used and occupied for the purposes of Sunnybrook Hospital.

Power to  
borrow

11.—(1) Subject to the approval of the Lieutenant Governor in Council and of the Governors, the Board may from time to time borrow or raise by way of loan such sums of money as the Board may deem requisite for any of the purposes of Sunnybrook Hospital in any one or more, or partly in one and partly in another, of the following ways:

- (a) by the issue and sale of debentures, bills or notes of Sunnybrook Hospital in such form or forms, in such denomination or denominations, bearing interest at such rate or rates and payable in principal and interest at such time or times, in such currency or currencies and at such place or places as the Board may determine; and
- (b) by temporary loans from any chartered bank or banks or from any person either by way of bank overdraft or loan or in any other manner whatsoever as the Board may determine.

(2) A recital or declaration in any resolution or minute of the Board authorizing the issue and sale of debentures, bills or notes of Sunnybrook Hospital, to the effect that it is necessary to issue and sell such debentures, bills or notes for the purposes of Sunnybrook Hospital in the amount authorized, is conclusive evidence to that effect. <sup>Author-  
ization</sup>

**12.** The Board shall make a report to the Governors upon the affairs of Sunnybrook Hospital in such form as the Governors may require for each fiscal year of Sunnybrook Hospital within three months after the end of that fiscal year or for such other periods and within such other time or times as the Governors may require. <sup>Annual  
report</sup>

**13.** The accounts of the Board shall be audited annually by an auditor appointed by the Board, and all books, documents, transactions and accounts of the Board shall at all times be open for inspection by the Governors. <sup>Audit</sup>

**14.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-  
ment</sup>

**15.** This Act may be cited as *The Sunnybrook Hospital Act, 1966*. <sup>Short title</sup>



An Act to incorporate  
Sunnybrook Hospital

---

*1st Reading*

July 4th, 1966

*2nd Reading*

*3rd Reading*

---

MR. ROBARTS

---

# **BILL 194**

---

4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

---

## **An Act to incorporate Sunnybrook Hospital**

---

MR. ROBARTS

---



BILL 194

1966

## An Act to incorporate Sunnybrook Hospital

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act, Interpretation

- (a) "Board" means the board of trustees of Sunnybrook Hospital;
- (b) "Governors" means The Governors of the University of Toronto;
- (c) "Hospital" means the hospital in The Municipality of Metropolitan Toronto known as Sunnybrook Hospital.

**2.—**(1) The management, maintenance and operation of the Hospital are hereby continued in a corporation consisting of the trustees of the Board who hold office from time to time, which is hereby created under the name "Sunnybrook Hospital". Corporation established

(2) Sunnybrook Hospital shall operate the Hospital as a university teaching hospital in which all members of the medical staff shall also be members of a university faculty of medicine and in which instruction in fields of medicine and medical research will be carried out. Hospital to be continued as a university teaching hospital

**3.—**(1) Notwithstanding *The Public Hospitals Act*, there shall be a board of trustees of Sunnybrook Hospital constituted as follows: Board R.S.O. 1960, c. 322

- (a) the Chairman of the Governors and the President of the University of Toronto, the President of the medical staff, the Vice-President of the medical staff, and the Chairman of the Medical Advisory Committee, of the Hospital;

(b) six trustees appointed by the Lieutenant Governor in Council;

(c) two trustees, members of the staff of the Faculty of Medicine of the University of Toronto, appointed by the Governors; and

(d) ten trustees appointed by the Governors.

Time of  
first ap-  
pointments

(2) The first appointments of trustees under subsection 1 shall be made within one month after the day this Act comes into force.

Term of  
office

(3) The trustees shall hold office for three years and until their successors are appointed.

Eligibility  
for  
re-appoint-  
ment

(4) Trustees are eligible for re-appointment.

Termination  
of office

(5) If a trustee becomes mentally ill or otherwise incapable of acting, he shall *ipso facto* vacate his office, and it is the duty of the Board, by resolution, to declare his membership vacant.

Idem

(6) If, within any calendar year, a member of the Board, not having been granted leave of absence by the Board, attends less than 40 per cent of the meetings of the Board, the Board may, by resolution, declare his membership vacant.

Idem

(7) If, within any calendar year, a member of the Board, not having been granted leave of absence by the Board, attends less than 20 per cent of the meetings of the Board, he shall *ipso facto* vacate his office, and it is the duty of the Board, by resolution, to declare his membership vacant.

Evidence  
of vacancy

(8) A resolution passed under subsection 5, 6 or 7, entered upon the minutes of the Board, is conclusive evidence of the vacancy therein declared.

Filling of  
vacancies

(9) When a vacancy occurs in the office of an appointed trustee, it shall be filled by the appointment of a person by the body that appointed the trustee whose office is vacant, and the person so appointed shall hold office for the remainder of the term of his predecessor.

Quorum

(10) Except as otherwise provided by the Board, eleven members constitute a quorum at meetings of the Board.

Chairman

4. One of the trustees, who shall also be a member of the Governors, shall be appointed by the Governors to be Chairman of the Board.



5. The Board may appoint one of its members to be Vice-Chairman, and, in the case of the absence or illness of the Chairman or of there being a vacancy in the office of Chairman, the Vice-Chairman shall act as and have all the powers of the Chairman.

6.—(1) Subject to *The Public Hospitals Act* and any regulations made thereunder and to *The Hospital Services Commission Act* and any regulations made thereunder, the Board shall be responsible for the management, operation and maintenance of the Hospital as a university teaching hospital in which all members of the medical staff shall also be members of a university faculty of medicine and in which instruction in fields of medicine and medical research will be carried out, and, save as hereinafter provided, may have and exercise all powers incidental thereto, and, without limiting the generality of the foregoing, may enact by-laws and regulations,

- (a) for the management, operation and maintenance of the Hospital;
- (b) pertaining to the calling and holding of meetings of the Board and to the business transacted thereat;
- (c) providing for the appointment of committees, including an executive committee and a medical advisory committee, and for the conferring upon any of such committees of authority to act for the Board with respect to any matter, or class or classes of matters.

(2) A majority of the members of every committee, except the medical advisory committee, shall be members of the Board.

(3) No decision of a committee, which includes in its membership persons who are not members of the Board, shall be valid or effective until approved and ratified by the Board.

7. The Board may enter into agreements with the University of Toronto and, subject to the approval of the Governors, with other universities or entities providing for the care of the sick and for teaching and research facilities at the Hospital.

8. The Board or the Governors, or the Board and the Governors together, may from time to time enter into such agreements with the Department of Veterans Affairs or Her Majesty the Queen in right of Canada, relating to the care of veterans or other matters connected with the operation of the Hospital as they may consider desirable.

Employees  
transferred  
from the  
public  
service of  
Canada

**9.** The Board may enter into agreements to establish and provide, for any person transferred from the employ of the public service of Canada on the staff of the Hospital to the employ of Sunnybrook Hospital on the staff of the Hospital, a pension plan providing for the continuation of benefits the same as or equivalent to those enjoyed at the time of such transfer in the public service of Canada and may pay the employer's share of the cost of such plan.

Real  
property  
R.S.O. 1960,  
c. 322

**10.**—(1) Subject to *The Public Hospitals Act* and to any regulations made thereunder, the Board may acquire by grant, gift, devise or otherwise and may hold any land or interest therein without licence in mortmain.

Exemption  
from expro-  
priation

(2) No real property or interest therein vested in Sunnybrook Hospital and used for hospital purposes shall be liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking land compulsorily for any purpose whatsoever, and no power to expropriate real property hereafter conferred shall extend to such real property or interest unless in the Act conferring the power it is made in express terms to apply to such real property or interest.

Exemption  
from  
taxation

(3) The real and personal property vested in Sunnybrook Hospital and any lands and premises leased to or occupied by Sunnybrook Hospital shall not be liable to taxation for provincial, municipal or school purposes, and shall be exempt from every description of taxation so long as the same are actually used and occupied for the purposes of Sunnybrook Hospital.

Power to  
borrow

**11.**—(1) Subject to the approval of the Lieutenant Governor in Council and of the Governors, the Board may from time to time borrow or raise by way of loan such sums of money as the Board may deem requisite for any of the purposes of Sunnybrook Hospital in any one or more, or partly in one and partly in another, of the following ways:

- (a) by the issue and sale of debentures, bills or notes of Sunnybrook Hospital in such form or forms, in such denomination or denominations, bearing interest at such rate or rates and payable in principal and interest at such time or times, in such currency or currencies and at such place or places as the Board may determine; and
- (b) by temporary loans from any chartered bank or banks or from any person either by way of bank overdraft or loan or in any other manner whatsoever as the Board may determine.

(2) A recital or declaration in any resolution or minute of the Board authorizing the issue and sale of debentures, bills or notes of Sunnybrook Hospital, to the effect that it is necessary to issue and sell such debentures, bills or notes for the purposes of Sunnybrook Hospital in the amount authorized, is conclusive evidence to that effect. <sup>Author-  
ization</sup>

**12.** The Board shall make a report to the Governors upon the affairs of Sunnybrook Hospital in such form as the Governors may require for each fiscal year of Sunnybrook Hospital within three months after the end of that fiscal year or for such other periods and within such other time or times as the Governors may require. <sup>Annual  
report</sup>

**13.** The accounts of the Board shall be audited annually by an auditor appointed by the Board, and all books, documents, transactions and accounts of the Board shall at all times be open for inspection by the Governors. <sup>Audit</sup>

**14.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-  
ment</sup>

**15.** This Act may be cited as *The Sunnybrook Hospital Act, 1966*. <sup>Short title</sup>

An Act to incorporate  
Sunnybrook Hospital

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*1st Reading*

July 4th, 1966

*2nd Reading*

July 5th, 1966

*3rd Reading*

July 7th, 1966

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MR. ROBARTS

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# BILL 195

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4TH SESSION, 27TH LEGISLATURE, ONTARIO  
14-15 ELIZABETH II, 1966

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**An Act for granting to Her Majesty certain sums of money  
for the Public Service for the fiscal years ending the 31st day  
of March, 1966, and the 31st day of March, 1967**

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MR. ALLAN

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BILL 195

1966

**An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal years ending the 31st day of March, 1966, and the 31st day of March, 1967**

MOST GRACIOUS SOVEREIGN:

**W**HEREAS it appears by messages from the Honourable William Earl Rowe, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1966, and for the fiscal year ending the 31st day of March, 1967, and for other purposes connected with the public service; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

**1.** In addition to the sum of \$1,453,020,000 granted by *The Supply Act, 1965*, there may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$5,436,600 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1965, to the 31st day of March, 1966, as set forth in Schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the supplementary estimates upon which such schedule is based.

\$5,436,600  
granted for  
fiscal year  
1965-66  
1965, c. 128

**2.** There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$1,840,626,500 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1966, to the 31st day of March, 1967, as set forth in Schedule B to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based.

\$1,840,626,500  
granted for  
fiscal year  
1966-67

- Accounting  
for  
expenditure      **3.** The due application of all moneys expended under this Act shall be accounted for to Her Majesty.
- Commence-  
ment      **4.** This Act comes into force on the day it receives Royal Assent.
- Short title      **5.** This Act may be cited as *The Supply Act, 1966*.

## SCHEDULE A

Department of Energy and Resources Management.....	\$ 861,600
Department of Health.....	4,575,000
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	\$ 5,436,600
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## SCHEDULE B

Department of Agriculture.....	\$ 28,316,000
Department of Attorney General.....	45,912,000
Department of Civil Service.....	1,451,000
Department of Economics and Development..	21,403,000
Department of Education.....	568,540,000
Department of Energy and Resources Management.....	63,092,000
Department of Health.....	262,270,000
Department of Highways.....	373,241,000
Department of Labour.....	17,976,000
Department of Lands and Forests.....	40,757,000
Office of the Lieutenant Governor.....	33,000
Department of Mines.....	3,530,000
Department of Municipal Affairs.....	63,375,000
Department of the Prime Minister.....	256,000
Office of the Provincial Auditor.....	623,000
Department of the Provincial Secretary and Citizenship.....	5,498,500
Department of Public Welfare.....	120,324,000
Department of Public Works.....	56,817,000
Department of Reform Institutions.....	24,557,000
Department of Tourism and Information.....	8,423,000
Department of Transport.....	9,625,000
Treasury Department.....	21,824,000
Department of University Affairs.....	102,783,000
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	\$1,840,626,500
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## BILL 195

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An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal years ending the 31st day of March, 1966, and the 31st day of March, 1967

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### *1st Reading*

July 8th, 1966

### *2nd Reading*

July 8th, 1966

### *3rd Reading*

July 8th, 1966

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MR. ALAN

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